

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73368 of 2024

Arising Out of PS. Case No.-103 Year-2022 Thana- KASHICHAK District- Nawada

Ajay Kumar @ Ajay Singh S/o Late Bhagirath Singh R/o Village- Daulachak,
P.S.- Kashichak, District- Nawada

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ajay Kumar Thakur, Advocate
		Ms. Vaishnavi Singh, Advocate
For the Opposite Party/s	:	Mr. Dashrath Mehta, APP

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

4 20-12-2024 Heard learned counsel for the petitioner and learned APP

for the State. Perused the case diary.

2. The petitioner seeks bail in connection with Kashichak P.S. case No. 103 of 2022 instituted for the offences under Sections 302/34 of the Indian Penal Code. Earlier *vide* order dated 14-05-2024, passed in Cr. Misc. No. 2627 of 2024, the anticipatory bail of petitioner was rejected.

3. As per prosecution case, the allegation against the accused persons including the petitioner is of assaulting the deceased/brother of the informant by means of rod and thereafter, committing murder by firing.

4. Learned counsel for the petitioner submits that the petitioner is an innocent person and has falsely been implicated



in the present case due to land dispute. The petitioner has four criminal antecedent and is in judicial custody since 25.06.2024. The charge-sheet has been submitted in this case. There is no eye-witness to the alleged occurrence. Learned counsel submits that, it appears that the present fardbeyan and FIR were subsequently drawn up at much belated stage showing the same to be ante-dated and that is the reason that FIR reached belatedly in Court. It is submitted that other co-accused has been granted bail by this Court *vide* order dated 01-12-2023, passed in Cr. Misc. No. 75185 of 2023.

6. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner, stating that the offence alleged is serious in nature and the petitioner is the named accused in the FIR. There is specific and direct allegation against the petitioner of firing upon the temple of the deceased. It is lastly submitted that postmortem report also corroborates the allegation levelled in the FIR. The prayer for bail of co-accused persons has already been rejected by a Co-ordinate Bench of this Court *vide* order dated 28-04-2023, passed in Cr. Misc. No. 59443 of 2022.

7. Considering the entire facts and circumstances of the case, nature and gravity of the offence and specifically



taking into account the specific allegation against the petitioner, this Court, at this stage, is not inclined to grant bail to the petitioner. Prayer for grant of bail to the petitioner is *rejected*.

8. The Trial Court is directed to expedite the trial as expeditiously as possible without any undue delay and unnecessary adjournments.

(Rudra Prakash Mishra, J)

Raj Kishore/-

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