

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72145 of 2023

Arising Out of PS. Case No.-38 Year-2023 Thana- LAKHISARAI District- Lakhisarai

Amit Kumar @ Buchcha Singh Son of Raj Kumar Singh R/O Village -
Rehua, P.S.- Lakhisarai, District - Lakhisarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Onkar Nath, Adv.

For the Opposite Party/s : Mr.Lalan Kumar, APP

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

ORAL ORDER

4 18-04-2024 Heard learned counsel for the petitioner and learned
APP for the State. Perused the case diary.

2. The petitioner seeks bail in connection with S.T. No.
221 of 2023 arising out of Lakhisarai P.S. Case No. 38 of 2023
instituted for the offences under Section 302, 34 of the Indian
Penal Code and Section 27 of the Arms Act.

3. As per prosecution case, the accusation against the
petitioner is of being involved in the alleged murder of the
father of the Informant.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has committed no offence as alleged
against him and has falsely been implicated in the present case.
There is no eye-witness to the alleged occurrence. There is also



no direct or specific allegation of assault against the petitioner rather the same is omnibus and general in nature. The petitioner has no concern with the alleged occurrence. The petitioner has no criminal antecedent as has been stated in paragraph no.3 of the present bail application. The petitioner is languishing in judicial custody since 20.01.2023. Charge-sheet has been submitted in this case.

5. On the other hand, learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner stating that the petitioner is named in the F.I.R. and there is specific allegation against him to be involved in the alleged murder of the deceased. After investigation, the I.O. has submitted the charge-sheet against the petitioner under Section 302, 120(B)/34 of the I.P.C. and Section 27 of the Arms Act and cognizance has already been taken by the learned trial court and, thus, the petitioner does not deserve bail.

6. From the perusal of the records, it appears that the report was called for by the Co-ordinate Bench of this Court. From the report dated 13th of March, 2024, it appears that out of five witnesses, one witness has been examined up till now and rest four are to be examined and, hence, the case is presently running at the stage of evidence for recording evidence of the



rest witnesses fixing date on 19.03.2024. The prosecution has been directed to examine the witnesses at the earliest.

7. Having heard rival contention of both the parties and considering the entire facts and circumstances of the case as also taking into account the gravity and seriousness of the alleged offence as also the report sent by the trial court, this Court is not inclined to grant bail to the petitioner.

8. Accordingly, the prayer for bail of the petitioner, above named, is rejected with a direction to the court below to expedite the trial and conclude the same expeditiously preferably within a period of six months from the date of receipt/production of a copy of this order.

9. If the trial is not concluded within the aforesaid period of six months, the petitioner will be at liberty to renew his prayer for bail before the court below which will be disposed of on its merit without being prejudiced by this order.

10. The District Magistrate, Lakhisarai and the Superintendent of Police, Lakhisarai are also directed to ensure presence of the charge-sheet witnesses in time as and when required by the learned Trial Court so that the trial could be completed within the time-frame as stated above.



11. Let a copy of this order be sent to the District
Magistrate, Lakhisarai and the Superintendent of Police,
Lakhisarai for strict compliance of this order.

(Rudra Prakash Mishra, J)

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