

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.83744 of 2023

Arising Out of PS. Case No.-471 Year-2021 Thana- PHULWARISHARIF District- Patna

Akhilesh Kumar @ Akhilesh Mahto S/o Dewan Mahto Resident of Jatkauli Thikha, PS Vaishali, Dist. Vaishali.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s	:	Mr. Madan Mohan, Advocate Mr. Ritik Shah, Advocate Mr. Rahul Raj, Advocate
For the Opposite Party/s :		Mr. Satya Nand Shukla, APP
For the Informant	:	Mr. Virendra Kumar Ray, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 21-06-2024 This is the second attempt of the petitioner to obtain bail in connection with Phulwarisharif P.S. Case No. 471 of 2021 registered for the offences punishable under Sections 341, 323, 324, 307 and 302 of the Indian Penal Code. The petitioner has got no criminal antecedent.

2. As per the prosecution story, on 03.06.2021, when the informant and his two brothers and father were sleeping, his cousin brother (this petitioner), who is residing in the same house at first floor, suddenly came with a 16 mm iron rod and attacked the elder brother of the informant on his head causing serious injury to him. The petitioner is also alleged to have assaulted the informant and thereafter fled away.

3. Earlier, the prayer for bail of the petitioner was rejected by this Court vide order dated 19.05.2022 passed in Cr.



Misc. No. 72116 of 2021. On perusal of the said order, it would appear that the petitioner is the sole assailant of the deceased, who was his own cousin brother. He also injured the another one.

4. Learned counsel for the petitioner has not shown any change of circumstance, so as to direct the release of the petitioner on bail at this stage. It is his submission that till date, only two prosecution witnesses have been examined whereas the petitioner is in custody since 07.06.2021. Learned counsel for the petitioner has further informed that for more than last one year, no prosecution witness has turned up.

5. Learned counsel for the informant as well as learned APP for the State have jointly opposed the prayer for bail of the petitioner. It is submitted that considering the seriousness of the allegation and severity of the punishment attached to the same, the petitioner does not deserve privilege of bail.

6. Having regard to the aforesaid submissions, while this Court is not inclined to grant privilege of bail to the petitioner, this Court directs the Senior Superintendent of Police, Patna to issue appropriate directions to the local Police Station to execute warrant of arrest, if any, against the witnesses. The



learned trial court shall take immediate steps to obtain the appearance of the witnesses and if they are not appearing, coercive action shall be taken to obtain their presence so that the trial should proceed and be concluded at the earliest.

7. This application stands disposed of accordingly.

(Rajeev Ranjan Prasad, J)

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