

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11329 of 2025

Arising Out of PS. Case No.-179 Year-2024 Thana- BUXAR District- Buxar

Dwarika Pandey, S/o Late Shivji Pandey, Resident of Yash Complex, in front
of D.A.V. Public School, P.S.-Buxar (Town), District- Buxar, Bihar

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s	:	Mr. Ambuj Nayan Choubey, Advocate Mr. Surendra Kumar Singh, Advocate Mr. Sanjay Kumar Singh, Advocate
For the State	:	Mr. Navin Kumar Pandey, APP
For the Informant	:	Mr. Kamal Deo Sharma, Advocate

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

5 23-07-2025 Heard learned counsel for the petitioner and learned

Additional Public Prosecutor for the State duly assisted by

learned counsel appearing for the informant.

2. The accused/petitioner seeks bail in connection

with Sessions Trial Case No.240 of 2024 arising out of Buxar

(Town) P.S. Case No.179 of 2024 registered for the offence

punishable under Section 302 read with 34 of the Indian

Penal Code.

3. The accused/petitioner is named in the FIR and is

in custody since 28.03.2024.

4. Allegation against the petitioner is to commit the

murder of the brother of the informant along with other



named accused persons on the eve of 'Holi' in the background of monetary dispute of Rs.1,50,000/-.

5. It is submitted by learned counsel that informant is not the eye-witness of the occurrence and merely on the basis of suspicion, the petitioner was implicated with present case. It is pointed out that the blood-stain was not collected from the place of occurrence by the police and was also not sent for forensic examination and, therefore, merely on the basis of presence of blood on the wall and floor of the room, it cannot be said that the occurrence was committed by this petitioner. It is submitted that investigation of this case is already completed, for which, charge-sheet has been submitted and, as such, there is no chance of tampering with the evidence. While concluding argument, it is pointed out that the petitioner found involved in one more criminal case i.e. of excise, where he is on bail.

6. Learned APP duly assisted by Mr. Kamal Deo Sharma, learned counsel appearing for the informant while opposing the prayer of bail submitted that several strong circumstances appears available against petitioner indicating



his involvement in present occurrence. Explaining the circumstances, learned counsel appearing for the informant firstly submitted that **firstly**, the blood-stain was found on floor and wall of the room, where occurrence took place, **secondly**, the deceased was taken to home by petitioner from company of his brother, **thirdly**, the weapons to cause fatal assault i.e. iron rod was found on disclosure of petitioner beneath the bed and **fourthly**, the postmortem report appears corroborating that the death was caused due to assault made upon head of the deceased by using hard and blunt substance

7. In view of aforesaid factual submission and by taking note of aforesaid circumstantial evidence, as pointed out by learned counsel appearing for informant, the prayer of bail of petitioner stands rejected for the present.

8. At this stage, it is submitted by learned counsel for petitioner that only four witnesses have been examined in this case and conclusion of trial is a remote aspect.

9. Accordingly, learned trial court is directed to conclude the trial, preferably within six months of receiving of



this order.

10. Let a copy of this order be communicated to the Superintendent of Police, Buxar as to ensure the presence of prosecution witnesses before learned trial court as and when directed as to conclude the trial within aforesaid stipulated period.

(Chandra Shekhar Jha, J.)

Sanjeet/-

U		T	
---	--	---	--

