

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.80344 of 2024

Arising Out of PS. Case No.-98 Year-2022 Thana- KAMTAUL District- Darbhanga

Ashok Das Son of Mahendra Das Resident of Village - Brahampur Paschami
Tola, Pinad, P.S.- Kamtaul, District - Darbhanga

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Raja Ram Mishra

For the Opposite Party/s : Mr. Chandra Bhushan Prasad

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 14-02-2025 1. Heard learned counsel for the petitioner and
learned A.P.P. for the State, Shri. Chandra Bhushan Prasad.

2. The petitioner seeks bail in connection with
Kamtaul P.S. Case No. 98 of 2022 dated 1-5-2022 registered for
the offences punishable under Sections 147, 149, 341, 323, 448,
324 and 302 of the Indian Penal Code.

3. Learned counsel for the petitioner submits that this
is the third attempt of the petitioner to seek bail. It is further
submitted that petitioner is in custody since 4-5-2022 and is
alleged to have assaulted the mother of the informant by *farsa*
on head causing injury leading to her death.

4. The learned APP, Shri. Chandra Bhushan Prasad,
opposes the bail application and submits that from perusal of
pleadings made at Para-13 of the bail application, it would



manifest that out of 13 charge-sheet witnesses, 11 charge sheet witnesses have been examined and thus only two witnesses remained to be examined, on which the learned counsel appearing on behalf of the petitioner submits that the two witnesses which remained to be examined are the Investigating Officer and the Doctor.

5. It is next submitted by learned counsel for the petitioner that when petitioner had approached this court seeking bail for the second time by filing Cr. Misc No. 15815 of 2024, the same came to be rejected by an order dated 15-5-2024 with liberty to the petitioner to renew his prayer for bail if the trial is not concluded within a period of four months.

6. The learned counsel appearing on behalf of the petitioner submits that the instant bail application has been filed in pursuance of the liberty granted by this court by order dated 15-5-2024 in Cr. Misc No. 15815 of 2024. It is also submitted that the petitioner has moved seeking regular bail for the third time after nearly more than nine months.

7. The Court completely fails to appreciate the conduct of the Investigating Officer and the Doctor that as to why they till date have not appeared in the trial for examination.

8. The Court, for the present, is not inclined to release



the petitioner on bail but then directs the Senior Superintendent of Police, Darbhanga, and the District Magistrate, Darbhanga, to ensure that the Investigating Officer of the case and the Doctor appear before the learned trial court positively within a period of two weeks from the date of receipt/production of a copy of this order.

9. The bail application is rejected with the aforesaid direction and with a liberty to the petitioner to renew his prayer for bail in the event the trial is not concluded within a period of four months on the ground that the Investigating Officer and the Doctor have not appeared in the trial.

10. Let a copy of this order be communicated to the District Magistrate, Darbhanga and the Senior Superintendent of Police, Darbhanga for their perusal and necessary action.

11. The learned APP, Shri. Chandra Bhushan Prasad is also directed to communicate the order to the District Magistrate, Darbhanga and the Senior Superintendent of Police, Darbhanga on their WhatsApp.

(Satyavrat Verma, J)

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