

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.83169 of 2024

Arising Out of PS. Case No.-135 Year-2023 Thana- NAUTAN District- West Champaran

Mukesh Patel S/O Dhruv Patel @ Dhurup Prasad R/O vill - Sansariya, P.S -
Bettiah Muffasil, Dist- West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rakesh Kumar

For the Opposite Party/s : Mr.Sanjay Kumar Tiwary

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

3 30-01-2025 Heard the learned counsel for the parties.

2. This is the 2nd attempt of the petitioner. Earlier the bail application of the petitioner was rejected vide order dated 09.11.2023 passed in Cr. Misc. No. 72809 of 2023.

3. The petitioner seeks regular bail in a case registered for the offence under Sections 307, 302, 120B, 147, 149 of the Indian Penal Code.

4. The following order was passed on 09.11.2023 in Cr. Misc. No. 72809 of 2023:-

Heard learned counsel for the petitioner and Mr. Nitya Nand Tiwary, learned APP for the State.

2. The petitioner seeks bail in connection with Nautan P.S. Case No. 135 of 2023 registered for the offence punishable under Sections 147, 149, 307, 302 and 120B of the Indian Penal Code.

3. As per the prosecution case, the petitioner and others are said to have given multiple



blows upon the deceased which has resulted in his death. The case diary supports the prosecution case.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. The informant is not an eye witness to the occurrence. The petitioner is in jail since 18.04.2023.

5. Learned APP appearing for the State opposes the prayer for regular bail of the petitioner.

6. Considering the serious allegation levelled against the petitioner of killing the deceased, I am not inclined to grant bail to the petitioner though co-accused Mohan Patel has been granted bail.

7. Accordingly, the application stands dismissed.

5. Learned counsel for the petitioner has submitted that one witness has been examined.

6. Learned counsel for the informant has submitted that P.W-2/Dhani Lal Patel has also been examined in the trial. He further undertakes to examine the private witnesses of the case on the dates fixed.

7. In these circumstances, I see no ground to review my earlier order.

8. The Superintendent of Police, West Champaran is directed to ensure the presence of the official witnesses in the case as the petitioner is in custody since 18.04.2023 and he has a right of speedy trial.

9. With the aforesaid observations and directions, this application is dismissed.



10. If the trial is delayed by the prosecution then the petitioner may renew his prayer for bail.

11. Let a copy of this order be communicated to the District Judge-West Champaran and Superintendent of Police, West Champaran through FAX for its compliance forthwith.

(Sandeep Kumar, J)

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