

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.84553 of 2024

Arising Out of PS. Case No.-39 Year-2022 Thana- DARBHANGA District- Darbhanga

Shiv Kumar Jha Son of Late Navo Narayan Jha Resident of Mohalla- Raj
Kumar Ganj, P.S. - Town, District - Darbhanga

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Chittaranjan Sinha, Sr. Advocate Mr. Ranjit Kumar Yadav, Advocate Mr. Urgesh Kumar, Advocate
For the Opposite Party/s :		Mr. Kalyan Shankar, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

5 17-01-2025

1. Heard learned counsel for the parties.

2. The petitioner has renewed his prayer for grant of regular bail in connection with Sessions Trial no.217 of 2022, arising out of Darbhanga Town P.S. Case no. 39 of 2022 registered under sections 307, 147, 149, 341, 323, 325, 327, 285, 288, 354 and 436 of the Indian Penal Code to which section 302 of the Indian Penal Code was added subsequently.

3. As per the prosecution case, it is stated by the informant that they were residing at the land after constructing a house along with their inmates for the last 40 years. It is stated that Shiv Kumar Jha wanted to forcibly take possession. The previous day he came to the place of occurrence, hurled abuses and threatening that the informant should vacate the house went



away. It is further stated that on the date of occurrence Shiv Kumar Jha along with 40 others came to the place of occurrence along with JCB machine and made an attempt to demolish the house of the informant. On protest by the brother and sister of the informant it is stated Shiv Kumar Jha poured petrol and burnt them. They were taken to the hospital for treatment.

4. It is submitted by learned Senior counsel for the petitioner that the earlier prayers for bail of the petitioner were rejected vide orders dated 16.1.2023 passed in Cr. Misc. no. 26696 of 2022 and dated 9.8.2023 passed in Cr. Misc. no.38877 of 2023 (Annexure-1 series). In spite of the petitioner having remained in custody since 18.2.2022 and cooperating in the trial, the trial has still not concluded nor is there any chance of the same concluding in the near future. It is submitted that though the examination of the prosecution witnesses concluded as far back as in January, 2024, the argument of prosecution have also concluded and the argument of defence started. At this stage, summons under section 311 of the Cr.P.C. was issued and the Investigating Officer of the case was directed to appear and explain the non-production of the pendrive of which mention was there in course of investigation. It is submitted that even the prosecution witnesses who have been examined in



course of the trial have not implicated this petitioner. The petitioner undertakes to cooperate in the trial and to abide by the conditions which may be laid by this Court for his release on bail.

5. The application for bail is opposed by learned APP for the State.

6. A report was called for from the learned trial Court. As per the report received contained in letter dated 3.1.2025, all the twelve witnesses on behalf of the prosecution have been examined till 5.1.2024. The direction of the learned trial Court under section 311 of the Cr.P.C. to the Investigating Officer to present before the Court, the evidence as also give explanation for non-production of the pendrive was opposed by the defence by filing an objection petition which has been rejected. The report further states that the trial is expected to conclude within a period of three months.

7. As per the report received from the learned trial Court, the next date in the trial was 16.1.2025. In case, the Investigating Officer Satyendra Choudhary has not already been examined, the Superintendent of Police, Darbhanga shall ensure the appearance of the said Investigating Officer in course of trial on the next date fixed.



8. Having heard learned counsel for the parties and taking into consideration the nature of allegations against the petitioner in the F.I.R. together with the trial having reached near its conclusion, the Court is not inclined to enlarge the petitioner on bail and the application is rejected.

9. Learned trial court is directed to expedite the trial.

10. Let a copy of this order be communicated to the learned trial Court as also the Superintend of Police, Darbhanga.

(Partha Sarthy, J)

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