

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.18465 of 2015

Arising Out of PS.Case No. -180 Year- 2014 Thana -LAHERIMUHALLA District- NALANDA
(BIHARSHARIFF)

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Md. Nawab, Son of Md. Akbar, Resident of Village Makhdum Bagh , P.S.
Laheri, District Nalanda.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pankaj Kumar

For the Opposite Party/s : Mr. Sunil Kumar Pandey (App)

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

3 06-07-2015

Heard both sides.

The petitioner seeks bail in a case registered under
Section 302 and other sections of the Indian Penal Code.

Md. Taukir, son of the deceased, disclosed that while
his father was going, he saw some persons standing on the road.
His father asked them to leave the road. On such, some
altercations took place. It is alleged that Md. Badshah and Md.
Moti caught his father and Md. Nawab (the petitioner) assaulted
his father with a dagger. Learned counsel for the petitioner
submits that the informant, in his Fardbeyan, gave a contradictory
statement. The wife of the deceased also altogether gave a
different story about the occurrence. The second son of the
deceased altogether stated a different story about the occurrence
and he disclosed that his father was assaulted by the petitioner by

a chopper. One of the co-accused, namely, Md. Akbar has already been enlarged on bail vide order passed in Cr. Misc. No. 44171/2014. The petitioner is in jail since 01.08.2014.

Md. Taukir (the informant) and the wife of the deceased are the eye witness of the occurrence and the informant has stated that it was the petitioner who assaulted his father Sarfuddin with a dagger. Almost similar is the statement of the wife of the deceased. Other witnesses came after the occurrence and disclosed about the occurrence. The case of the petitioner is on quite different footing as that of the case of Md. Akbar. From perusal of the post-mortem report, it appears that the deceased received many sharp cut injuries. Consequently, he died on the next day.

Considering the facts that the petitioner is the assailant of the deceased and the deceased got many sharp-cut injuries on his body, I do not feel inclined to enlarge the petitioner on bail in Laheri P.S. Case No. 180/14. Accordingly, the same is rejected.

The trial court is directed to hold the trial on day-to-day basis and the same may be concluded within nine months from the date of receipt/production of copy of this order.

The Superintendent of Police, Nalanda is also

directed to produce the witnesses in court on the date fixed for the evidence so that the trial may be concluded within the stipulated period.

Let a copy of this order be sent to the Superintendent of Police, Nalanda.

(Prabhat Kumar Jha, J)

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