

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.6353 of 2015

Arising Out of PS.Case No. -294 Year- 2014 Thana -TEKARI District- GAYA

Niraj Kumar @ Laddu son of Late Ramnandan Sharma, resident of village-
Pura, P.S.- Tekari, District- Gaya

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

With

Criminal Miscellaneous No.7331 of 2015

Arising Out of PS.Case No. -294 Year- 2014 Thana -TEKARI District- GAYA

Rishi Sharma S/o Ram Niwas Sharma @ Ram Niwas Singh Resident of
Village Pura, P.S. Tekari, Dist. Gaya.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

Appearance:

(In Cr.Misc. No.6353 of 2015)

For the Petitioner/s : Mr. Ajay Kumar Thakur, Advocate.

For the Opposite Party/s : Mr. Sadanand Paswan (Spl.P.P)

(In Cr.Misc. No.7331 of 2015)

For the Petitioner/s : Mr. Dinu Kumar, Sr. Advocat.e

For the Opposite Party/s : Mr. Ambika Bhagat (Spl.P.P.)

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

4 15-04-2015

Heard both sides.

Petitioners Niraj Kumar @ Laddu and Rishi Sharma seek their bail in Tekari P.S. Case No. 294 of 2014 registered under Section 302 and other section of the Indian Penal Code and Section 3(2)(V) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

The informant, son of the deceased, named the petitioners along with other accused persons and alleged that all the accused persons came at the Darwaza of Moti Manjhi and assaulted his father only because his father had filed nomination in the election of PACS. It is alleged that the petitioners and other accused persons brutally assaulted the father of the informant with the butt of Katta and hard and blunt object and his father died on the spot.

Sri Ajay Kumar Thakur and Sri Dinu Kumar, learned counsel for the petitioners, submitted that seven persons are alleged to have assaulted the deceased with hard and blunt object, but no specific allegation is made against them. Four injuries are of course found on the head besides injuries on other parts of the body of the deceased but the injuries itself do not appear to show that the assault was made with great force. It has come that the deceased had taken alcohol as the doctor has also found alcoholic smell at the time of post mortem. The deceased fell down after consuming alcohol. On account of enmity, the petitioners have falsely been implicated in the case. It is further submitted that the deceased has not filed nomination in the PACS election rather one Vakil Manjhi had filed nomination in PACS election but he lost the election.

On the other hand, Sri Ambika Bhagat, learned Spl.P.P. has submitted that the accused persons including the petitioners assaulted Arjun Manjhi and the injuries were found all around his body. On account of the assault, the deceased died on the spot.

Having considered the facts that the petitioners are alleged to have assaulted on different parts of the body of the deceased, the injuries were found on the head and the doctor opined that the deceased died due to shock and hemorrhage on account of injuries on head, I am not inclined to enlarge the petitioners at this stage on bail. Accordingly, the same is rejected.

The trial court is directed to expedite the trial and conclude the same within nine months from the date of receipt / production of this order. If the trial is not concluded within the stipulated period, the petitioners may renew their prayer for bail firstly in the trial court.

(Prabhat Kumar Jha, J)

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