

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.3369 of 2015

Arising Out of PS.Case No. -261 Year- 2013 Thana -BAHERA District- DARBHANGA

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Dunilal Sahni Son of Bhagwat Sahni Resident of Village - Antaur, P.S. -
Bahera, District - Darbhanga.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Gajendra Prasad Yadav

For the Opposite Party/s : Mr. Ashok Kr.Singh No.1(App)

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CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR
MANDAL
ORAL ORDER

4 18-05-2015 Heard Mr. Yadav for the petitioner and Mr. Dayal

learned APP for the State.

The petitioner is facing accusation punishable under
section 302 IPC. On a trivial issue, it is alleged that the accused
persons formed an assembly consisting of dozens of persons and
assaulted the informant. When his sons came to rescue it is
alleged that co-accused Ganesh Sahni assaulted with Chura on
the head of Gulab Sahni(son of the informant) and thereafter the
petitioner snatched the Chura from the hand of Ganesh Sahni and
gave Chura blow on the chest of Gulab Sahni causing his death.

Learned counsel for the petitioner submits that even
going by the allegation it would appear that the parties are
agnates and the occurrence had taken place due to land disputes.

The petitioner is in custody since 20.07.2013. The co accused Ganesh Sahni has since been released on bail.

Learned APP, on the other hand, points out that the petitioner, as per the allegation, is the main assailant.

Regard being had to the above, this Court is not persuaded to grant bail to the petitioner. His prayer for bail is refused.

Mr. Yadav learned counsel for the petitioner informs the Court that trial has already commenced whereat two witnesses have been examined.

Considering the aforesaid, this Court grants the petitioner liberty to renew his prayer for bail in the court below itself if all the prosecution witnesses are not examined within five months from the date of receipt/production of a copy of this order in the court below.

(Kishore Kumar Mandal, J)

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