

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.43409 of 2015

Arising out of PS.Case No. -42 Year- 2015 Thana -CHANAN District- LAKHISARAI

Aslam, son of Haroon Mastan, resident of Village- Goddih, P.S.- Chanan, District- Lakhisarai.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

Appearance :

For the Petitioner : Mr. Ajay Kr. Thakur, Advocate.

For the Opposite Party : Mr. Pranav Kumar(App)

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 10-11-2015 Heard learned counsels for the petitioner, informant and learned counsel for the State

The petitioner is languishing in custody since 21.05.2015 in connection with Chanan P.S. Case No. 42 of 2015 for the offences instituted under Sections 341, 323, 325, 504, 506, 302/34 of the IPC and 27 of the Arms Act.

The prosecution story, in brief, is that the accused Chandu @ Chauhan and other accused persons including the petitioners armed with pistol and lathi arrived at the house of the informant at about 11.15 P.M. They started abusing the informant and his family members, in the meantime, Ram Sagar Yadav (Bahnoi of the informant) and Anoj Yadav (son of the informant) started fleeing away from the Darwaza of the house of the



informant. The accused persons caught the Bahnoi of the informant. It is also alleged that the accused/petitioners Aslam and Manoj Yadav fired at Ram Sagar Yadav (Bahnoi of the informant) who sustained fire arm injuries and fell down there. The informant tried to save his Bahnoi but who was also assaulted by the co-accused Chandu @ Chauhan by means of lathi. The informant raised hulla, upon which the accused Chandu @ Chauhan and other accused persons named in the FIR fled away from there. The villagers arrived there. The injured Ram Sagar Yadav died on the way to Munger due to fire arm injuries.

It has been submitted on behalf of the petitioner that the petitioner has got no criminal antecedent. The petitioner is in custody since 21.05.2015 and the charge sheet has been submitted in the case. There is no allegation of tampering with the evidence against the petitioner. The petitioner has falsely been implicated in the present case. On the same date the deceased had misbehaved by entering the house of Noor Jehan Khatoon for which a separate case was instituted vide Annexure-2 and the present case has been instituted in retaliation to Annexure-2 to the present application.

On behalf of the learned counsels for the informant and the State it has been submitted that the petitioner is named in the F.I.R. and he is one of the assailants who had caused injury upon

the deceased.

Considering the aforesaid facts and circumstances, I am not inclined to grant bail to the petitioner. The same is rejected in Chanan P.S. Case No. 42/2015, pending in the court of the learned A.C.J.M., Lakhisarai. Anyhow, the Trial Court is directed to take all necessary steps to expedite the trial and conclude the same preferably within a period of one year from the date of receipt/production of copy of this order.

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(Sudhir Singh, J)