

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.37744 of 2015

Arising Out of PS.Case No. -248 Year- 2014 Thana -LAKHISARAI District- LAKHISARAI

Subodh Mahto Son of Anandi Mahto resident of village - Oraiya, P.S. and District - Lakhisarai

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

Appearance :

For the Petitioner : Mr. Ashok Kumar Mishra

For the Opposite Party : Mr. N.N.Tiwary(App)

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 07-10-2015 Heard the counsel for the petitioner and counsel for the State.

The petitioner is languishing in jail since 05.07.2014 in a case instituted under Sections 302/34 of the Indian Penal Code and Section 27 of the Arms Act in connection with Lakhisarai P.S.Case No.248 of 2014 pending in the Court of ADJ-II, Lakhisarai.

As per allegation, it is a case of murder of informant's niece, namely, Gopal Mandal by the accused persons regarding irrigating in the field.

It has been submitted on behalf of the petitioner that the petitioner is in custody since 05.07.2014. Chargesheet has been submitted in the case. Petitioner has got no criminal

antecedent. Petitioner has falsely been implicated in the present case. From perusal of the FIR itself, it would appear that there is no motive imputed against the petitioner for committing the alleged offence. The time of occurrence is said to be 7.10 P.M. and no source of identification has been disclosed by the informant which creates serious doubt upon the prosecution itself.

On behalf of the State, it has been submitted that the petitioner is named in the FIR and he is the main assailant causing fire arm injury upon the chest of the deceased.

Considering the aforesaid facts and circumstances, I am not inclined to grant bail to the above named petitioner, same is dismissed.

Anyhow the court below is directed to take all necessary steps to conclude the trial of the petitioner preferably within a period of one year from the date of receipt of the production of the order.

(Sudhir Singh, J)

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