

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.42447 of 2014

Arising Out of PS.Case No. -9 Year- 2005 Thana -ADHAURA District- BHABHUA (KAIMUR)

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Mahendra Chero son of Dular Chero @ Ram Dular Chero Resident of
village - Patloiya, P.S. Bhagwanpur, District - Kaimur at Bhabua

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Rajani Kant Pandey, Advocate

For the Opposite Party : APP

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

4 16-02-2015

Heard both sides.

Petitioner, Mahendra Chero, seeks bail in Adhaura
P.S. Case No.09 of 2005, registered for the offences punishable
under Section 302/34 of the Indian Penal Code.

The son of the deceased made the allegation that
Jagropan Chero informed him that Mahendra Chero and Dular
Chero assaulted his father and his father died.

Learned counsel for the petitioner submits that the
informant is not an eye-witness of the occurrence. Nobody has
seen the petitioner assaulting the deceased Tejbali Chero. The
informant compromised the case. Even from the post mortem
report it would appear that no injury was caused.

On perusal of the record it appears that the informant
got information from his brother-in-law Jagropan Chero. Malo

Devi, sister of the informant and wife of Jagropan Chero, stated that Mahendra Chero and Ram Dular Chero assaulted her father with butt of gun and lathi. She further stated that Mahendra Chero, Sudama Chero, Puranmasi Chero and Ram Dular Chero have taken his father towards the forest. Jagropan Chero is another eye-witness of the occurrence. He has also stated the same facts. There is specific allegation against the petitioner who assaulted the deceased with butt of the gun on his head and from the post mortem report it appears that the bones of skull were found fractured.

Considering the facts and circumstances of the case, I am not inclined to grant bail to the petitioner. Accordingly, the same is rejected.

The trial court is directed to expedite the trial and conclude the same within one year from the date of receipt of a copy of this order. If the trial is not concluded within the aforesaid period, petitioner may renew his prayer for bail firstly before the trial court.

(Prabhat Kumar Jha, J)

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