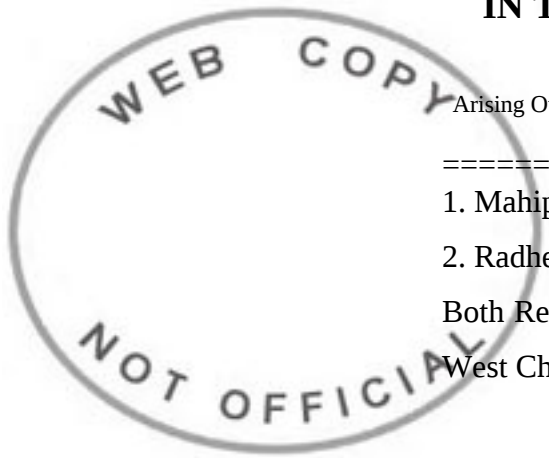




IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.418 of 2015

Arising Out of P.S. Case No. -238 Year- 2014 Thana - MUFFASIL District- WEST CHAMPARAN
(BETTIAH)

=====

1. Mahip Sah, Son of Promad Sah
2. Radheyshyam Sah, Son of Sri Gopal Sah
Both Residents of Village - Mahanaganni, P.S. - Bettiah Moffasil, District-
West Champaran

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

=====

Appearance:

For the Petitioner/s : Mr.

For the Opposite Party/s : Mr.

=====

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA

ORAL ORDER

3 03-02-2015 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

The petitioners seek bail in Bettiah Muffasil P.S.
Case No. 238 of 2014 registered under Section 302 and other
sections of the Indian Penal Code.

The informant Maharaj Bhagat has alleged that
Subhash Sah had borrowed Rs. 20,000/- from him on a promise to
return the same within two months. When the informant sent his
son Nippu Kumar to bring money from Subhash Sah, it is alleged
that the petitioners along with other accused persons brutally
assaulted his son and threw him at his doorstep.



Learned counsel for the petitioners submits that there is omnibus and general allegation against the accused persons including the petitioners but during the course of investigation it has come that Nippu Kumar had entered into the house of Subhash Sah with bad intention and he was caught red-handed with the wife of Subhash Sah. The villagers assaulted Nippu Kumar. It is further submitted that the injuries are not fatal to cause death of Nippu Kumar.

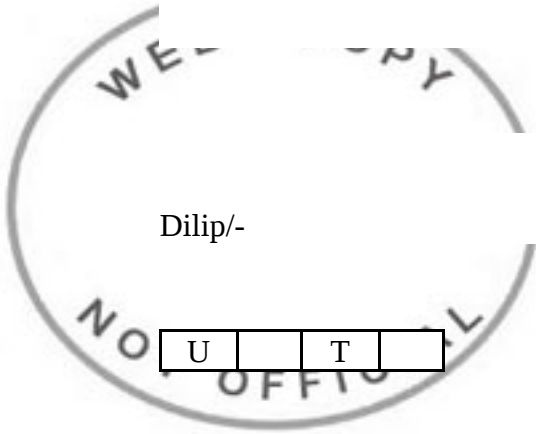
On consideration of the facts aforesaid, it appears that the accused persons including the petitioners are alleged to have assaulted Nippu Kumar. In the post-mortem report, it appears that the doctor found multiple bruises all over the body of the deceased. The cause of death is shock and haemorrhage on account of injuries caused to the deceased.

Having considered the fact that the petitioners are also alleged to have assaulted the deceased, I am not inclined to enlarge the petitioner on bail in Bettiah Muffasil P.S. Case No. 238 of 2014. Accordingly, the same is rejected.

However, the trial court is directed to expedite the trial and conclude the same within one year 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 itself.



Dilip/-

U		T	
---	--	---	--

(Prabhat Kumar Jha, J)