

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.29481 of 2015

Arising Out of PS.Case No. -19 Year- 2015 Thana -MITHANPURA District- MUZAFFARPUR

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1. Langar Miya @ Hadish Miyan @ Hadish Ansari @ Langar Mian @ Md. Hadish Mian
Son of Late Ibrahim Miya, resident of Village- Dhiran Chapra, P.S.- Bela, District-
Muzaffarpur. Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rajesh Kumar

For the Opposite Party/s : Mr. Sadanand Paswan(Spl.Pp)

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**CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN
SHARMA**

ORAL ORDER

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30-10-2015

Heard learned counsel for the petitioner and learned

A.P.P. representing the State.

The petitioner seeks bail in connection with Mithanpura P.S. Case No. 19 of 2015 registered for the offences punishable under Sections 302, 120(B)34 of the Indian Penal Code and Section 3(2)(V) of SC/ST Act.

Allegedly there was some altercation between Pradeep Paswan and Nati of the petitioner wherein, the strap of sandle of Nati of the petitioner was broken away and for that the wife of the petitioner came to the house of the informant and started abusing by taking the caste name and threatened to kill Pradeep Paswan and thereafter co-accused Ashraf, one of the son of the petitioner came and called Pradeep Paswan to get the sandle repaired and thereafter the petitioner, his wife and son took away Pradeep Paswan and after assaulting him strangulated to death and hanged the dead body on Litchi tree with *Gamcha*.

Submission is of false implication and that without any legal and cogent material the petitioner is suffering in custody since 06.02.2015. There is no specific allegation against the petitioner. Chargesheet has already been submitted and there is no chance of tampering with the prosecution evidence and, as such, the petitioner deserves sympathetic consideration as he has got no criminal antecedent to which the learned Special P.P. opposes the prayer of bail by submitting that the petitioner, his wife and his son took away Pradeep Paswan and after assaulting, strangled him to death which found support during investigation by statement of the witnesses and in post mortem report also the allegation finds corroboration.

In the facts and circumstances stated above and considering the allegation attributed against the petitioner, serious in nature, this Court is not inclined to enlarge the petitioner on bail and accordingly, such prayer stands rejected.

However, the trial court is directed to expedite the trial and conclude the same within six months failing which the petitioner may be at liberty to renew his prayer for bail.

(Jitendra Mohan Sharma, J)

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