

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.15193 of 2015

Arising Out of PS.Case No. -189 Year- 2014 Thana -TAJPUR District- SAMASTIPUR

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1. Anil Pandey @ Anil Kumar Pandey S/o Ram Sakal Pandey Resident of
Village Bandey, P.S. Tajpur (Halai), District Samastipur.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Amod Kumar Singh

For the Opposite Party/s : Mr. Pramod Kumar Pandey(App)

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA
ORAL ORDER

4 02-07-2015

Heard both sides.

The petitioner seeks bail in a case under section
302/34 of the Indian Penal Code.

The informant alleged that Chandan Chaudhary
and Sudhir Singh took his son and he heard that the petitioner and
his son killed his son Pranay Choudhary.

It is submitted that the informant is not an eye
witness of the occurrence. Akhilesh Pandey, maternal uncle of the
deceased disclosed as eye witness of the occurrence and stated that
the petitioner and his son Kanhaiya Pandey assaulted Pranay
Choudhary with bamboo stick on his head but Dilip in paragraph 8
of the case diary disclosed that he and Akhilesh Pandey after
seeing the jeep of the police arrived at the place of occurrence and

saw the petitioner and his son assaulting Pranay Chaudhary. It is submitted that Akhilesh Pandey is not an eye witness of the occurrence. Akhilesh Pandey and Dilip Pandey were present in the market and they saw the petitioner and his son assaulting the deceased. Admittedly, the petitioner is father-in-law of the deceased and the deceased forcibly married with the daughter of the petitioner and that is why the petitioner was annoyed with the deceased. From perusal of the post mortem report also it appears that the deceased died due to injuries on head.

Considering the facts aforesaid, I am not inclined to enlarge the petitioner on bail in connection with Tajpur (Halai) P.S. Case No. 189 of 2014 pending in the court of the learned Judicial Magistrate, 1st Class, Samastipur. This application for bail is, accordingly, rejected.

The trial court is directed to expedite the trial and conclude the same within nine months from the date of receipt/production of a copy of this order.

(Prabhat Kumar Jha, J)

Amin/-

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