

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.43138 of 2015

Arising Out of PS.Case No. -49 Year- 2015 Thana -DAGARUA District- PURNIA
=====

Md. Zakir S/o Late Mumtaz, resident of Village- Islampur, P.S.- Dagarua,
Dist- Purnea.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party
=====

Appearance :

For the Petitioner : Mr. Pramod Kumar Mallick
For the Opposite Party : Mr. Madan Kumar(App)

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 24-11-2015 Heard the counsel for the petitioner, learned counsel for
the Informant and also counsel for the State.

The petitioner is languishing in jail since 04.06.2015 in
a case instituted under Sections 147, 148, 149, 323, 324 and 302
of the Indian Penal Code in connection with Dagarua P.S.Case
No.49 of 2015 pending in the Court of Judicial Magistrate, Ist
Class, Purnea.

As per prosecution case, all the accused persons
including the petitioner armed with deadly weapons came to the
house of the informant and started to assault with knife and *lathi*.
Accused Zakir gave a knife blow on the chest of the son of the
informant and fell down on the floor. All the accused persons also
assaulted to the informant and other when they came to save

Abdul Matin. In the way, the said injured Abdul Matin died there and the informant informed to the police and lodged the FIR.

It has been submitted on behalf of the petitioner that the petitioner is in custody since 04.06.2015. Chargesheet has been submitted in the case. Petitioner has falsely been implicated in the present case. There is no allegation of tampering of evidence against the petitioner. The allegation is of single knife blow upon the deceased. There is no allegation of repeated blow upon the deceased.

On behalf of the State, it has been submitted that the petitioner is named in the FIR and there is a specific injury attributed against the petitioner.

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

Anyhow, the trial court is directed to take all necessary steps to conclude the trial within a period of nine months from the date of receipt/production of a copy of this order.

(Sudhir Singh, J)

B.Kr./-

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