

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.47632 of 2015

Arising Out of PS.Case No. -208 Year- 2014 Thana -SHERGHATI District- GAYA

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1. Raj Kumar Manjhi son of Late Karu Manjhi Resident of village - Dhuji
Tola Magidih, Police Station - Sherghati, District - Gaya.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Binod Kumar

For the Opposite Party/s : Mr. Harendra Pd.(App)

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

3 10-12-2015 Heard learned counsel for the petitioner and learned
A.P.P. representing the State.

The petitioner seeks bail in connection with Sherghati
P.S. Case No. 208 of 2014 registered for the offence punishable
under Section 302/34 of the Indian Penal Code.

Allegedly for flowing rain water in maize crop field,
the petitioner and his wife assaulted the father of the informant
with spade on his head and thereafter the father of the informant
died during treatment.

Submission is of false implication due to land dispute,
there was free fight between the parties. During postmortem, only
one injury and one abrasion have been found on the person of the
deceased and, as such, there being no specific allegation against

the petitioner, deserves sympathetic consideration, as he is suffering in custody since 05.12.2014. Chargesheet has already been submitted and there is no chance of tampering with the prosecution evidence.

The learned A.P.P. opposes the prayer of bail by submitting that petitioner is the assailant.

In the facts and circumstances stated above, considering the allegation that the petitioner and his wife brought spade and gave spade blow on the head of Madan Manjhi, who died during treatment and, as such, 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 preferably within 9 months, failing which the petitioner may be at liberty to renew his prayer for bail.

(Jitendra Mohan Sharma, J)

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