

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.25916 of 2015

Arising Out of PS.Case No. -92 Year- 2012 Thana -DARIYAPUR District- SARAN

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1. Vidhan Rai, s/o Ram Naresh Rai, r/o Village Harpur, P.S. Dariyapur,
District Saran.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Kamal Kishor Singh

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

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN
SHARMA
ORAL ORDER

3 09-10-2015

Heard learned counsel for the petitioner and learned

A.P.P. representing the State.

Petitioner seeks bail in connection with Dariyapur P.S.

Case No. 92 of 2012 registered for the offences punishable under

Sections 302, 201/34 of the Indian Penal Code.

Allegedly the petitioner assaulted the husband of the informant by giving blow with *sipaha* of Bullock-cart in his stomach resulting the husband of the informant started crying and fell down and further he told the name of the petitioner and thereafter he was brought for treatment before Doctor, Birendra at Dariyapur, who gave some medicine but the husband of the informant was not feeling well and ultimately, for treatment he was brought at Sonpur and the doctor referred him to Hajpur Sadar Hospital but he succumbed to the injuries and his dead body was tried to make traceless.

Submission if of false implication and that the petitioner has not committed any offence and due to enmity and land dispute, he has been implicated. F.I.R. has been lodged after a delay of 24 hours. It is a foul play at the hands of the informant herself in complicity with her family members as within four months of the death, the informant has re-married with Anil Rai. The petitioner is suffering in custody since 01.12.2014 and two witnesses examined during trial have not supported the prosecution case.

Learned A.P.P. has opposes the prayer of bail by submitting that during postmortem examination the injury has been found as stated by the prosecution witnesses.

In the facts and circumstances stated above, considering that against the petitioner, there is direct allegation of giving fatal blow to the deceased 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 conclude the trial preferably within four months, failing which, the petitioner may be at liberty to renew his prayer for bail in the Court below itself.

(Jitendra Mohan Sharma, J)

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