

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.42039 of 2014

Arising Out of PS.Case No. -70 Year- 2014 Thana -NAUHATTA District- SAHARSA

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1. Ashish Kumar Jha son of Indal Jha @ Indranand Jha resident of village - Muradpur, P.S. - Nauhatta, District - Saharsa.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pramod Mishra

For the Opposite Party/s : Mr. Bharat Lal (App)

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

3 10-02-2015

Heard both sides.

The petitioner seeks bail in Nauhatta P.S. Case No. 70 of 2014 registered under section 302 and other allied sections of the Indian Penal Code.

The informant alleged that while he was digging tube well in his own land the petitioner , Divesh Kumar Jha and Mani Kumari came and abused . Ashish Kumar Jha is alleged to have assaulted the father of the informant with bat causing head injury.

Learned counsel for the petitioner submits that the father of the informant was under treatment and he died after two weeks of the occurrence No case under section 302 I.P.C. is made out. The occurrence took place in spur of moment.

It appears that of course the occurrence took place in spur of moment but there is specific allegation against the petitioner that he assaulted the father of the informant with bat (heavy wooden plank) on the head and father of the informant got injury and died as such I am not inclined to enlarge the petitioner on bail at this stage. The same is rejected.

The learned Judicial Magistrate is directed to commit the case to the court of sessions forthwith and thereafter the learned Sessions Judge or Additional District Judge in whose file the case is transferred shall expedite the trial and conclude the same within six months from the date of receipt of a copy of this order. If the trial is not concluded without the fault of the petitioner the petitioner may renew his prayer for bail firstly before the trial court.

(Prabhat Kumar Jha, J)

M.Rahman/-

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