

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.6738 of 2015

Arising Out of PS.Case No. -35 Year- 2014 Thana -BHARGAWAN District- ARRARIA

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1. Azaz @ Ajay @ Bouka Son of Md. Kalamuddin, Resident of Village - Akarthapa, P.S.- Bhargama, District - Araria

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anil Prasad Singh

For the Opposite Party/s : Mr. Pushpa Sinha (App)

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA
ORAL ORDER

2. 19-02-2015. Heard both sides.

Petitioner seeks bail in a case under Section 302/34 I.P.C.

Four persons including the petitioner are named in the F.I.R. There is allegation against the petitioner that he assaulted the deceased with axe and the mother of the informant died.

Learned counsel for the petitioner submits that the occurrence took place on sudden provocation and on account of land dispute. No offence under Section 302 IPC is made out. Co-accused Md. Kalamuddin has already been granted bail

On perusal of the record, it appears that there is no specific allegation against Md. Kalamuddin, whereas there is very specific allegation against the petitioner who caused axe blow on the right side of the neck of the deceased who died on the spot itself.

Considering the facts aforesaid and nature of allegation, I am not inclined to enlarge the petitioner on bailand accordingly,

the same is rejected.

The trial court is directed to conclude the trial of the petitioner within a period of one year from the date of receipt/production of a copy of this order and, if the trial is not concluded within the aforesaid period, the petitioner may renew his prayer for bail

(Prabhat Kumar Jha, J.)

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