

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.2832 of 2015

Arising Out of PS.Case No. -186 Year- 2014 Thana -KUMARGHAND District- MADHEPURA

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Kamleshwari Yadav Son of Sukhdeo Yadav resident of Village : Rampatti,
P.S. : Kumarkhand (Belari O.P.), District : Madhepura.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance:

For the Petitioner/s : Mr. Pankaj Kumar Jha, Advocate.

For the Opposite Party/s : Mr. Md. Sufiyan, APP.

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

4 19-03-2015

Heard both sides.

The petitioner seeks bail in a case under Sections
302/34 of the Indian Penal Code.

The informant named the petitioner along with
Madan Yadav and Santosh Yadav and alleged that they assaulted
his brother Manbodh Yadav and the accused persons strangulated
Manbodh Yadav and also assaulted on his testicles.

Learned counsel for the petitioner submits that the
informant has not stated that he is an eye witness of the
occurrence. Even during the course of investigation, it has come
that the deceased was collecting tax from the market and the
petitioner and others were objecting. The government has not
authorized the deceased to collect tax. The market was not settled
in favour of the deceased. Similar is the statement of many

witnesses and they have stated that on account of collecting tax, quarrelling took place.

It appears that the informant named the petitioner along with two other accused persons and made specific allegation that the petitioner and others strangled Manbodh Yadav and also assaulted him on his testicles. Other witnesses have also stated the same fact. The post mortem report shows the ligature mark all around the neck of the deceased. Trachea bone was found fractured and the deceased also got injuries on his testicles.

Having considered the facts aforesaid, I am not inclined to enlarge the petitioner on bail in Kumarkhand (Belari O.P.) P.S. Case No. 186/14, corresponding to G.R. No. 2030/14. Accordingly, the same is rejected.

However, the trial court is directed to expedite the trial and conclude the same within one year from the date of receipt / production of this order.

If the trial is not concluded within the stipulated period, the petitioner may renew his prayer for bail firstly in the trial court itself.

(Prabhat Kumar Jha, J)

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