

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.23607 of 2015

Arising Out of PS.Case No. -57 Year- 2014 Thana -KHARIK District- BHAGALPUR

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1. Jitendra Modi Son of Late Shyam Modi Resident of Village Kharik Bazar
(Modi Tola) Police Station Kharik, District Bhagalpur..... Petitioner/s

Versus

1. The State of Bihar Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Brajesh Kumar Singh

For the Opposite Party/s : Mr. Kalayan Shankar(App)

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR

JHA

ORAL ORDER

4 22-09-2015

Heard both sides.

The petitioner seeks bail in a case under Section 302
and other sections of the Indian Penal Code.

The petitioner is alleged to have assaulted the
informant with Lathi on his head. The deceased-informant made
his subsequent statement and reiterated the same facts. The
deceased died on account of injuries found on the head.

It is submitted that petitioner has got no *mens rea*.

Considering the fact that it was the petitioner who
assaulted with Lathi on the head of informant causing his death, I
am not inclined to enlarge the petitioner on bail. Accordingly, the
same is rejected. The trial court is directed to expedite the trial and
conclude the same within one year from the date of receipt of this
order.

(Prabhat Kumar Jha, J)

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