

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.39276 of 2015

Arising Out of PS.Case No. -636 Year- 2014 Thana -GAYA KOTWALI District- GAYA

1. Rakesh Kumar @ Rakesh Sao, Son of Mahabir Prasad @ Mahabir Sao,
R/o Mauriya Ghat, Riverside Eoad, P.S.- Kotwali, District- Gaya.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajesh Kumar Singh

For the Opposite Party/s : Mr. Sanjay Kumar Sharma(App)

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 09-10-2015 Heard learned counsel for the petitioner and
learned A.P.P. for the State.

The petitioner seeks bail in a case registered for
the offences punishable under sections 147, 148, 149, 323, 307,
302, 120-B of the Indian Penal Code.

Petitioner and one Bimal Sao is alleged to have
assaulted on the head of Arun Kumar by rod and hammer due to
which he sustained injuries and fallen down and thereafter they
assaulted Anjay Kumar and driver of Arun Kumar who also
sustained injuries. Later on Arun Kumar succumbed to the
injuries. The occurrence is alleged to have taken place due to land
dispute.

Petitioner is in custody since 29.05.2015.

Charge-sheet has been submitted in the case. Petitioner has got no criminal antecedent. There is no allegation of tampering with the evidence against the petitioner. No deadly weapon is said to have been used in course of occurrence. There is admitted land dispute between the parties and, hence, petitioner has been falsely implicated in the present case.

On behalf of the State, it has been submitted that the petitioner is named in the F.I.R. and is one of the assailants who had assaulted the deceased causing head injury. Said fact is corroborated from the post mortem report also.

Considering the facts and circumstances of the case, I am not inclined to enlarge the petitioner on bail in connection with Gaya Kotwali P.S. Case no. 636 of 2014 pending in the court of the learned Chief Judicial Magistrate, Gaya. This application for bail is, accordingly, rejected.

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

(Sudhir Singh, J)

Amin/-

U			
---	--	--	--