

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.38779 of 2015

Arising out of PS.Case No. -26 Year- 2015 Thana -MINAPUR District- MUZAFFARPUR

Vinod Sah, son of late Shukul Sah, resident of village Khemaipati, P.S.-
Minapur, district Muzaffarpur.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

Appearance :

For the Petitioner : Mr. Shishir Kumar, Advocate.

For the Opposite Party : Mr. T.P.Mandal(App)

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

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

The petitioner is languishing in custody since 12.05.2015
in connection with Minapur P.S. Case No. 26 of 2015 for the
offences instituted under Section 302/34 of the IPC.

The prosecution story, in brief, is that before Police
Camp Emergency Ward P.M.C.H. on 31.1.2015 at 11.15 a.m. the
informant alleged that about ten days back the daughter of Vinod
Sah has uprooted the *Dhania* crop from his field and again four
days back a theft was committed in his house and for that his wife
Ramrati Devi started abusing with filthy languages upon which
29.1.2015 at about 6 a.m. accused Ram Babu Sah and Vinod Sah
came armed with Lathi and assaulted his wife on her head and

when he went to rescue her both of them also assaulted him and both the husband and wife became injured and people gathered there and saved them. They were brought to the Government Hospital, Muzaffarpur, for treatment from where his wife was referred to P.M.C.H., Patna for better treatment but during course of treatment she died and a Minapur P.S. Case No.26/15 was instituted. During the investigation, the petitioner was arrested.

It has been submitted on behalf of the petitioner that the petitioner has got no criminal antecedent. The petitioner is in custody since 12.05.2015 and the charge sheet has been submitted in the case. There is no allegation of tampering with the evidence against the petitioner. The petitioner has falsely been implicated in the present case due to previous enmity. No deadly weapon is said to have been used in course of occurrence.

On behalf of the State it has been submitted that the petitioner is named in the F.I.R. and there is direct allegation of assault by *Lathi* and *Danda* upon the head of the deceased as well as upon the informant.

Considering the aforesaid facts and circumstances, I am not inclined to grant bail to the petitioner. The same is rejected in Minapur P.S. Case No. 26/2015, pending in the court of the learned C.J.M., Muzaffarpur. Anyhow, the Trial Court is directed

to take necessary steps to expedite the trial and conclude the same within a period of one year from the date of receipt/production of copy of this order.

U.K./-

U		T	
---	--	---	--

(Sudhir Singh, J)

