

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.42105 of 2014

Arising Out of PS. Case No. - 15 Year- 2014 Thana -LAKHISARAI District- LAKHISARAI

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Nitesh Kumar @ Guhan Singh Son of Makeswar Singh, Resident of
Village - Rehua, P.S. and Dist.- Lakhisarai

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance:

For the Petitioner/s :

For the Opposite Party/s

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA

ORAL ORDER

3 09-02-2015

Heard both sides.

The petitioners seek bail in a case registered under
Section 302 and other sections of the Indian Penal Code.

The informant named eight persons and alleged that
while her husband was constructing a new house, all the accused
persons came. Pankaj Singh and Nitesh Kumar @ Guhan Singh
(the petitioner) are alleged to have assaulted the husband of the
informant with iron rod on his head.

Learned counsel for the petitioner submits that the
informant has made allegation that Pankaj Singh and Nitesh
Kumar both assaulted the deceased with iron rod on his head, but
Pankaj Singh has already been granted bail. It is further submitted
that other accused persons have also been granted bail.

On perusal of the order passed by

this Court in Cr. Misc. No. 26467 of 2014, it appears that of course the informant has alleged in her Fardbeyan that Pankaj Singh and the petitioner assaulted Shailendra Singh with iron rod but subsequently the informant and other eye witnesses have very categorically stated that it was Nitesh Kumar @ Guhan Singh (the petitioner), who assaulted the deceased Shailendra Singh with iron rod on his head and, on this ground, accused Pankaj Singh was granted bail.

Considering the facts that the petitioner is the author of the injury found on the head of the deceased, I am not inclined to enlarge the petitioner on bail in Lakhisarai P.S. Case No. 15 of 2014. Accordingly, the same is rejected.

However, the court below is directed to expedite the trial and conclude the same within nine months 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 court below itself.

(Prabhat Kumar Jha, J)

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