

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.5077 of 2016

Arising Out of PS.Case No. -294 Year- 2014 Thana -TEKARI District- GAYA

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1. Rishi Sharma s/o Ram Niwas Sharma @ Ram Niwas Singh Resident of
Village Pura, P.S. Tekari, Dist. Gaya.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rajesh Kumar Singh

For the Opposite Party/s : Mr. Sadanand Paswan (Spl.Pp)

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA
ORAL ORDER

4 03-08-2016

Heard both sides.

The petitioner seeks bail in Tekari P.S. case No. 294
of 2014 under Section 302 and other sections of the Indian Penal
Code and under Section 3(2)(v) of the Scheduled Caste and
Scheduled Tribe (Prevention of Atrocities) Act.

The informant alleged that all the accused persons
came at the Darwaja of Moti Manjhi and assaulted his father only
because his father had filed nomination paper for the election of
PACS. All the accused persons are alleged to have assaulted the
father of informant with butt of Katta and hard and blunt object.
The petitioner is alleged to have climbed on the chest and pressed
the chest that is why father of the informant died.

Mr. Dinu Kumar, the learned counsel for the



petitioner, submits that petitioner is specifically alleged to have climbed on the chest of the deceased but no such injury was found on chest. The deceased died due to injuries found on his head. Similarly situated accused Uday Shankar Sharma, Satyendra Sharma, Chhote Sharma @ Chhotu Sharma @ Gautam and Futu Kumar have already been granted bail by different benches of this court vide orders passed in Cr. Misc. Nos. 52712 of 2015, 43803 of 2015 and Cr. Misc. No. 19297 of 2016 and the case of petitioner stands on same footing.

The prayer of petitioner for bail was earlier rejected by this court vide order dated 15.04.2015 passed in Cr. Misc. No. 7331 of 2015 with a direction to the court below to conclude the trial within nine months but the trial has not yet been concluded. The case is committed to the Court of Sessions only on 15.02.2016.

The learned counsel for the informant as well as the learned Additional Public Prosecutor vehemently opposed the prayer for bail but it appears that case of petitioner stands on the same footing as that of other co-accused persons who have already been enlarged on bail. The prayer of petitioner for bail was earlier rejected by order dated 15.04.2015 with a direction to the trial court to conclude the trial but even thereafter the learned

Additional Chief Judicial Magistrate committed the case to the Court of Sessions only on 15.02.2016 but no cogent reason is stated in the report as to why the case was not committed even after nine months from the date of direction to expedite the trial and conclude the same within nine months.

Considering the facts aforesaid, the above named petitioner is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate-IX, Gaya in Tekari P.S. Case No. 294 of 2014.

(Prabhat Kumar Jha, J)

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