

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.4987 of 2016

Arising Out of PS.Case No. -374 Year- 2015 Thana -BIHARSHARIF District- NALANDA
(BIHARSHARIFF)

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1. Moti Lal Sharma Son of Shri Hira Lal Sharma, Resident of Mohalla -
Amber, Bihar Sharif, P.S. - Bihar, District - Nalanda.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Suryakant Kumar

For the Opposite Party/s : Mr. Sanjay Kumar Tiwary 1(App)

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**CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN
SHARMA**
ORAL ORDER

3 30-03-2016 Heard the learned counsel for the petitioner and the
learned A.P.P. representing the State.

The petitioner seeks bail in connection with Bihar
P.S. Case No. 374 of 2015 registered for the offences punishable
under Section 302 of the Indian Penal Code.

Allegedly, Chunnu Kumar came in drunken
condition and started abusing then the petitioner forbade him but
Chunnu Kumar assaulted with piece of wood to the petitioner
and then the petitioner snatched wooden piece and started
assaulting Chunnu Kumar resulting Chunnu Kumar died during
treatment.

Submission is of false implication and that there was

no intention to commit murder, the petitioner has also received injury and it reveals that Chunnu Kumar being in drunken condition fell down resulting he sustained injury, and as such, the petitioner is suffering in custody since 21.08.2015, deserves sympathetic consideration, to which the learned APP seriously opposes by submitting that the petitioner has badly assaulted his own brother causing his death, medical evidence also supported the prosecution version.

In the facts and circumstances stated above, considering the allegation attributed against the petitioner, serious in nature, this Court is not inclined to enlarge the petitioner on bail and accordingly, his such prayer stands rejected in connection with Bihar P.S. Case No. 374 of 2015 pending in the court of learned Chief Judicial Magistrate, Biharsharif, Nalanda.

However, considering the detention of the petitioner, let the trial be expedited and concluded within nine months.

(Jitendra Mohan Sharma, J)

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