

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.6369 of 2016

Arising Out of PS.Case No. -158 Year- 2015 Thana -BUNIADGANJ District- GAYA

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1. Prem Rawani S/o Late Ramashish Rawani resident of village -
Naudhariya, P.S. - Buniyadganj, District - Gaya.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Vinod Kumar

For the Opposite Party/s : Mr. Kr.Virendra Narayan(App)

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

ORAL ORDER

3 21-06-2016 Heard learned counsel for the petitioner and learned
A.P.P. representing the State.

The petitioner seeks bail in connection with
Buniyadganj P.S. Case No. 158 of 2015 registered for the offence
punishable under Section 302/34 of the Indian Penal Code.

The petitioner along with others is named in the First
Information Report with allegation that they have killed Suraj
Kumar, the son of the informant when he had gone to take bath in
Aahar. During investigation, the witnesses have stated that the
deceased was catching fish in the Aahar and in the meantime, the
petitioner came and caught him and threw him down resulting the
deceased died and then at the instigation of one un-known person,
the petitioner threw the dead body in the water.

Submission is of false implication and that the

informant is not an eye witness of the occurrence, the statement of the witnesses who are own family members of the informant are not reliable and without any fault, the petitioner is suffering in custody since 27.10.2015. No offence under Section 302 IPC is made out and at best it can be a case under Section 304 IPC.

The learned APP opposes the prayer of bail by submitting that Sankar Yadav, being an eye witness, has stated the name of the petitioner as the assailant which is recorded in para-8 of the case diary and further other witnesses have also supported the same.

In the facts and circumstances stated above, considering the allegation attributed against the petitioner, at present I am not inclined to enlarge the petitioner on bail and accordingly, his such prayer stands rejected in connection with Buniyadganj P.S. Case No. 158 of 2015 pending in the Court of learned C.J.M., Gaya.

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

(Jitendra Mohan Sharma, J)

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