

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.8336 of 2016

Arising Out of PS.Case No. -41 Year- 2015 Thana -KALYANPUR District-
EASTCHAMPARAN(MOTIHARI)

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Jainath Sharma son of Lal Bahadur Thakur resident of village - Khokhra,
P.S. - Kalyanpur, District - East Champaran.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Abhishek Kumar, Advocate

For the Opposite Party/s : Mr. M. RAB (App)

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

ORAL ORDER

3 13-04-2016 Heard learned counsel for the petitioner and learned
A.P.P. representing the State.

The petitioner seeks bail in connection with Kalyanpur
P.S. Case No. 41 of 2015 registered for the offences punishable
under Sections 447, 147, 148, 149, 341, 342, 323, 324, 325, 379,
307 and 504 of the Indian Penal Code and later on Section 302 of
the IPC has also been added.

Allegedly, in the occurrence the petitioner assaulted
Bishwanath Sharma on his head by *Dab* thrice resulting he
became senseless and fell down and later on he died.

Submission is of false implication and that the
petitioner, his wife and son received serious injury and for that

Kalyanpur P.S. Case No. 42 of 2015 has been registered against the informant and others, prosecution parties were aggressors, the alleged occurrence has taken place at the spur of the moment and, as such, the petitioner who is suffering in custody since 29.01.2015, deserves sympathetic consideration.

The learned A.P.P. opposes the prayer of bail by submitting that in the postmortem report also three injuries have been found on the head of the deceased.

In the facts and circumstances stated above, considering the allegation attributed against the petitioner serious in nature, I am not inclined to enlarge the petitioner on bail and accordingly, his such prayer stands rejected in connection with Kalyanpur P.S. Case No. 41 of 2015 pending in the Court of Sri. R. S. Pandey, learned Judicial Magistrate, 1st Class, Sadar, Motihari, East Champaran .

However, let the trial be expedited and concluded preferably within nine months.

(Jitendra Mohan Sharma, J)

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