

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.10189 of 2016

Arising Out of PS.Case No. -85 Year- 2015 Thana -AMDABAD District- KATI HAR

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1. Khalil S/o Gudjari, Resident of Village - Bairiya (Paharpur), P.S. - Amdabad, District - Katihar.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ranjeet Kumar Singh

For the Opposite Party/s : Mr. Indu Kumari Srivastava(App)

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

3 18-04-2016 Heard the learned counsel for the petitioner as well as the learned A.P.P for the State.

The petitioner seeks bail in a case for the offence punishable under section 302/34 of the I.P.C

The allegation against the petitioner is that he assaulted Saddam with sickle causing serious injury on his left thigh and during treatment Saddam succumbed to the injuries.

Submission is of false implication and that there was no intention to commit murder, the occurrence took place at the spur of the moment, other co-accused have been allowed bail and as such the petitioner who is suffering in custody since 29.07.2015 having no criminal antecedent also deserves sympathetic consideration, to which the learned A.P.P. seriously opposes by

submitting that during postmortem injury has been found on the left upper thigh causing the death.

In the facts and circumstances as 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 Amdabad P.S. Case No. 85 of 2015 pending in the court of Shri B.K. Choudhary, J.M. 1st Class, Katihar.

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

(Jitendra Mohan Sharma, J)

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