

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.11325 of 2016

Arising Out of PS.Case No. -236 Year- 2014 Thana -UDWANTNAGAR District- BHOJPUR

Vishnu Shankar Singh son of Ramadhar Singh resident of village Ekauna
P.S. Udwant Nagar District Bhojpur.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pranav Kumar, Adv.

For the Opposite Party/s : Mr. Nitya Nand Tiwary (App)

CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

3 29-04-2016 Heard learned counsel for the petitioner and learned APP
for the State.

The petitioner seeks bail in connection with Udwant Nagar P.S. Case No. 236 of 2014 registered for the offences punishable under Sections 341,323,324,307,504,506/34 of the Indian Penal Code later on charge-sheet submitted also under Section 302 of the Indian Penal Code.

Allegedly, the petitioner and other co-accused being armed with Gadasa, lathi and Danda came with intention to kill, has hit on the head of the informant and when Tun Tun Singh, his brother, came for rescue, the petitioner assaulted him with Gadasa on his head resulting he became unconscious. The motive behind occurrence is land dispute.

The submission is of false implication and that there is vital contradiction in the further statement of the informant from

first information report, the informant in his further statement has stated that the petitioner assaulted the informant whereas Sharda Singh, assaulted Tuntun Singh, with Garasa when he came for rescue, Kalu Singh and Malu Singh assaulted both with Danda. During treatment Tuntun Singh died and, as such, as per the further statement of the informant, the petitioner is not the assailant, co-accused Ranjan Kumar Singh @ Malu Singh has been allowed bail and, as such, the petitioner also deserves sympathetic consideration to which the learned APP opposes by submitting that as per the fard beyan, the petitioner is the assailant and further statement of the informant is not clear as to who assaulted the deceased.

In the facts and circumstances stated above considering the allegation attributed against the petitioner serious in nature, at this stage, this Court is not inclined to enlarge the petitioner on bail, accordingly, his prayer stands rejected.

However, the trial Court is directed to expedite the trial and conclude the same within nine months from the date of receipt/production of a copy of this order by taking all positive steps, failing which the petitioner, if at no fault, will be at liberty to renew his prayer for bail.

(Jitendra Mohan Sharma, J)

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