

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.12289 of 2016

Arising Out of PS.Case No. -459 Year- 2015 Thana -MAJHAULIA District-
WESTCHAMPARAN(BETTIAH)

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1. Rozy Mian Son of late Jan Mian Resident of Village- Ojha Mathiya PS
Majhauria, District West Champaran. Petitioner/s

Versus

1. The State of Bihar Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bimlesh Kumar Pandey, Advocate

For the Opposite Party/s : Mr. Ajay Kr. Jha (App)

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

ORAL ORDER

3 04-05-2016 Heard learned counsel for the petitioner, learned A.P.P.
representing the State and learned counsel for the informant.

The petitioner seeks bail in connection with
Majhauriya P.S. Case No. 459 of 2015 registered for the offences
punishable under Sections 147, 149, 341, 323, 307, 504 and 302 of
the Indian Penal Code.

The petitioner and other six FIR named accused
persons being armed with *Lathi* and *Fatha* started assaulting
Jangbahadur Sah the informant brutally, resulting he became
seriously injured, he was brought for treatment but during
treatment the informant died.

Submission is of false implication and that there is case
and counter case, several persons from the side of the petitioner
have also received injuries, there is no specific allegation against

the petitioner, during postmortem only two injuries have been found and further cause of death is due to Septicemia and Hepatic disorder and, as such, the petitioner who is suffering is custody since 10.01.2016, deserves sympathetic consideration to which the learned APP duly assisted by the learned counsel for the informant seriously opposes by submitting that seven injuries were found on the person of the informant which is evident from the injury report issued by Medical Officer, PHC, Majhauriya, West Champaran and, as such, the petitioner does not deserve bail as he is the main accused.

In the facts and circumstances stated above, considering the allegation attributed against the petitioner, at this stage, I am not inclined to enlarge the petitioner on bail and accordingly, his such prayer stands rejected in connection with Majhauriya P.S. Case No. 459 of 2015 pending in the court of learned CJM, Bettiah, West Champaran.

However, let the trial be expedited and concluded within six months failing which the petitioner if at no fault, may renew his prayer for bail.

(Jitendra Mohan Sharma, J)

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