

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.12724 of 2016

Arising Out of PS.Case No. -678 Year- 2015 Thana -DANAPUR District- PATNA

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Nand Kishore Rai, Son of Late Munshi Rai, resident of Jhakri Mahadev,
Police Station- Danapur in the district of Patna.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

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

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

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

ORAL ORDER

3 05-05-2016 Heard the learned counsel for the petitioner as well as

the learned A.P.P. for the State.

The petitioner seeks bail in connection with Danapur
P.S. Case no. 678/2015 registered for the offences punishable
under Sections 147, 148, 149, 302 of the Indian Penal Code.

In the first information report there is allegation that
about 150-200 persons assaulted Manoj Sao @ David the step son
of the informant at Jhakhri Mahadev causing his death. During
investigation the informant in her further statement and other eye-
witnesses Sushila Devi and Sony Kumari have stated that the
petitioner and his two sons started assaulting David and took away
him towards road and then in the hospital he died.

Submission is of false implication and that the version of
two eye-witnesses is not reliable as they are on inimical term with

the petitioner. As a matter of fact, there is no eye-witness of the occurrence, the deceased was assaulted by several co-villagers when he pushed the wife of the petitioner and opened fire and for that Danapur P.S.Case no. 677/15 has been registered against the deceased, without any legal and tangible material charge-sheet has been submitted and there is no chance of tampering with the prosecution evidence. The petitioner is in custody since 05.12.2015.

The learned A.P.P. opposes prayer of bail by submitting that the informant is not the eye-witness, but Sushila Devi and Sony Kumari are the eye-witnesses who have stated that the petitioner and his two sons assaulted the deceased resulting he died in the hospital.

In the facts and circumstances as stated above, considering the nature of allegation against the petitioner at this stage I am not inclined to enlarge the petitioner on bail and accordingly, his such prayer stands rejected.

However, let the trial be expedited and concluded preferably within nine months after receipt/production of the copy of this order.

(Jitendra Mohan Sharma, J.)

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