

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.17675 of 2016

Arising Out of PS.Case No. -265 Year- 2015 Thana -MUFFASIL District-
WESTCHAMPARAN(BETTIAH)

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Chhathu Bin, son of Rudal Bin, resident of Rani Pakadi Tola, Auraiya, P.S.
Bettiah (Muffassil), District-West Champaran.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. B.K.Pandey,

For the Opposite Party/s : Mr. A.Haque Sahara(App)

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

4 21-07-2016

Heard learned counsel for the petitioner as well as
learned Additional Public Prosecutor for the State.

The petitioner is in custody since 24.05.2015 in
connection with Bettiah (Muffasil) P.S. Case No.265 of 2015 for
the offences instituted under Sections 147, 148, 149, 448, 323,
324, 325, 307, 302 and 504 of the I.P.C.

The prosecution case, in brief, is that on 22.05.2015
at about 5 P.M. while the brothers of the informant, Jitendra Bin
and Fulena Bin were constructing house under Indira Awas, the
petitioner including co-accused persons having armed with deadly
weapons came there and started damaging the said house. When
the informant made protest upon which the accused persons
abused the informant. It is further alleged that the petitioner gave
rod blow causing injury on the head of Jitendra Bin as a result of

which he fell down. Accused Chandra Kishore Bin and Ram Bali Bin gave rod and lathi blow causing injury on the head of Fulena Bin on account of which he also fell down. When on alarm mother of the informant came for rescue co-accused Harishchandra Bin and Madan Bin gave lathi and rod blow causing fracture injury near the wrist of the right hand of the informant. Then, injured persons were taken to M.J.K. Hospital, Bettiah ,for treatment and in course thereof, the informant Jitendra Bin died.

It has been submitted on behalf of the petitioner that the petitioner is in custody since 24.05.2015 and the charge sheet has been submitted in the present case. The petitioner has got no criminal antecedent. There is no allegation of tampering with the evidence against the petitioner. He has falsely been implicated in the present case. There is admitted land dispute between the parties. Though in the statements made by the witnesses in paragraphs 11,12 and 13 of the case diary two accused persons are alleged to have assaulted upon the head of the deceased including the petitioner but no specific injury has been attributed against the said accused persons.

On behalf of the State, it is submitted that the petitioner is named in the F.I.R, and specific allegation has been

made against him for assaulting the deceased on his head by iron rod and due to the said injury the deceased succumbed to the said injury caused by the petitioner.

Considering the aforesaid facts and circumstances, I am not inclined to grant bail to the petitioner. The same is rejected in connection with Bettiah (Muffasil) P.S. Case No. 265/15, pending in the court of learned C.J.M., West Champaran at Bettiah. Anyhow, the court below is directed to take all necessary steps to conclude the trial preferably within a period of one year from the date of receipt/production of a copy of this order.

It is submitted on behalf of the petitioner that there are only five charge sheet witnesses in this case and the charge has already been framed.

The Superintendent of Police, West Champaran at Bettiah, is directed to ensure that the witnesses are produced in the case on the date fixed by the trial court so that the trial may be concluded within the stipulated period.

Let a copy of this order be sent to S.P., West Champaran.

(Sudhir Singh, J)

AnilKrSinha/-

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