

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.22851 of 2016

Arising Out of PS.Case No. -86 Year- 2015 Thana -ANDER District- SIWAN

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1. KHAJBUDDIN SAIN S/o Shaheed Sain R/o village - Sultanpur Takia,
P.S. Andar, District - Siwan

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ashok Kumar Varma

For the Opposite Party/s : Mr. Arun Kumar Pandey (App)

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

3 13-07-2016 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 Andar P.S.
Case No. 86 of 2015, S.Tr. No. 418 of 2015 registered for the
offence punishable under Section 302/34 of the Indian Penal
Code.

Allegedly, due to land dispute the petitioner and his
wife started assaulting the husband of the informant with *Lathi*,
Danda and bricks and then the informant went there but she fell
down and then both the accused assaulted her husband by bricks
on his hydrosil, causing his death.

Submission is of false implication due to family
dispute, there was no intention to commit murder, the occurrence

has taken place at the spur of moment, the wife of the petitioner has already been allowed bail vide Cri. Misc. No. 52193 of 2015, postmortem report is not consistent with prosecution version and, as such, the petitioner also deserves sympathetic consideration to which the learned A.P.P. duly assisted by the learned counsel for the informant opposes by submitting that during investigation it has come that the petitioner assaulted the husband of the informant with bricks on his hydrosil, causing his death.

In the facts and circumstances stated above, considering the allegation attributed against the petitioner, at present, I am not inclined to enlarge the petitioner on bail and accordingly, his such prayer stands rejected in connection with Andar P.S. Case No. 86 of 2015, S. Tr. No. 418 of 2015 pending in the Court of learned IIIrd Addl. Sessions Judge, Siwan.

However, let the trial be expedited and concluded as early as possible preferably within a period of nine months from the date of receipt or production of a copy of this order.

(Jitendra Mohan Sharma, J)

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