

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.23076 of 2016

Arising out of PS.Case No. -414 Year- 2015 Thana -DIHRINAGAR District- SASARAM (ROHTAS)

Bharat Singh, son of Dilip Singh, resident of Village- Balrati, Bigha, P.S. Dehari, District- Rohtas.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

Appearance :

For the Petitioner : Mrs. Leelawati Kumari, Advocate.

For the Opposite Party : Mr. Ramesh Chandra(App)

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

4 24-08-2016 Heard learned counsels for the petitioner, informant and learned counsel for the State.

The petitioner is languishing in custody since 06.01.2016 in connection with Dihari P.S. Case No. 414 of 2015 for the offences instituted under Section 302/34 of the IPC.

The prosecution story, in brief, is that the mother of the informant narrated to the informant that the petitioner, co-accused Dilip Singh and Ram Singh cut the neck of Shiv Bachan Singh, the father of the informant, in the night and the father of the informant disclosed the names of the assailants as the petitioner and Dilip Singh by writing on a paper.

It has been submitted on behalf of the petitioner that the



petitioner is in custody since 06.01.2016 and the charge sheet has been submitted in the present case. There is no allegation of tampering of the witnesses alleged against the petitioner. He has got no criminal antecedent. He has falsely been implicated in the present case due to mistake of fact. There is general and omnibus allegation against the petitioner. There is an admitted land dispute between the parties. It is further submitted that one of the co-accused Pran Singh has been granted bail vide Cr. Misc. No. 55886 of 2015 by another co-ordinate Bench of this Court but while dealing with the case of other co-accused Dilip Singh whose bail has already been rejected by another co-ordinate Bench of this Court vide Cr. Misc. No. 6932 of 2016. The facts of the case have been discussed and the case of the petitioner does not stand on similar footing as the case of Pran Singh. The deceased before his death has also not named the co-accused Pran Singh.

On behalf of the learned counsels for the informant and the State, it has been submitted that the petitioner is named in the F.I.R. and prayer for bail of one of the assailants against whom allegation is similar has already been rejected vide Cr. Misc. No. 6932 of 2016.

Considering the aforesaid facts and circumstances, I am not inclined to grant bail to the petitioner. The same is rejected

in Dehari P.S. Case No. 414 of 2015, pending in the court of the learned S.D.J.M., Dehari, Rohtas at Sasaram. Anyhow, the court below is directed to expedite the trial.

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(Sudhir Singh, J)

