

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.53205 of 2015

Arising Out of PS.Case No. -15 Year- 2015 Thana -MADHWAPUR District- MADHUBANI

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1. Dost Mohammad @ Dost. Mohammad Safi S/o Samsair Safi Resident of
Village Balawa, P.s Madhawapur, District Madhubani.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Uday Kumar -Advocate

For the Opposite Party/s : Mr. Nirmala Kumari(APP)

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CORAM: HONOURABLE MR. JUSTICE ADITYA KUMAR TRIVEDI
ORAL ORDER

3 30-01-2016

Heard learned counsel for the petitioner.

It has been alleged by the informant that during course of scuffle in between Dost Mohammad and Md. Yusuf relating to land dispute, deceased intervened and on account thereof, deceased was caught hold by the petitioner, thrown him on the ground and began to assault with fists and slaps joined by Maimun Khatoon, Meena Khatoon, Rukhsana Khatoon duly armed with *Danda*. Rukhsana Khatoon gave *Danda* to Dost Mohammad who assaulted repeatedly over head of her husband while Maimun Khatoon pressed testicle causing instantaneous death. From the postmortem, it is evident that single injury has been found over head which, on dissection, has been found to have caused fracture of occipital bone which, in the opinion of doctor, happens to be responsible for causing death.

It has been submitted on behalf of petitioner that no dispute was going on in between the deceased and petitioner so, there was no occasion for him to assault. Furthermore, it has also been submitted that there happens to be specific assertion that there was repeated blow which is found falsified from the postmortem report as only one ante-mortem injury has been found over the person of deceased. It has also been submitted that petitioner is under custody since 27.05.2015.

Learned APP opposed the prayer.

There happens to be specific allegation against the petitioner to be sole assailant of the deceased over the head, though, number is less than whatever been alleged but injury is there which happens to be responsible for causing death.

Prayer for bail is rejected.

As charge-sheet has already been submitted, the learned lower court is directed to proceed with the trial expeditiously.

(Aditya Kumar Trivedi, J)

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