

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.17456 of 2016

Arising Out of PS.Case No. -20 Year- 2015 Thana -JAMOBABAZAR District- SIWAN

Binda Rai, Son of Sunar Rai, resident of village- Jalalpur, P.S.- Jamo,
District- Siwan

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

Appearance :

For the Petitioner/s : Mr. Santosh Kumar Mishra, Advocate

For the Opposite Party/s : Mr. Sadanand Paswan(Spl.App)

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

3 27-06-2016 Heard learned counsel for the petitioner and
learned A.P.P. representing the State.

The petitioner seeks bail in connection with Jamo
Bazar P.S. case no. 20/2015 registered for the offences punishable
under Sections 302/34 of Indian Penal Code read with Section
3(2V) of the SC & ST Act.

The allegation against the petitioner is that he
assaulted Mithun Kr. Baitha, the brother of the informant with
spear in his stomach causing severe injury to him and further the
petitioner assaulted to Buteli Baitha also. The informant was also
assaulted by the petitioner and others and at Sadar hospital, Siwan,
Mithun Kr. Baitha succumbed to the injuries.

Submission is of false implication and that prosecution story appears not probable and reliable, there was no intention to commit murder, post mortem report does not support the prosecution version, the petitioner is suffering in custody since 08.05.2015.

Learned A.P.P. opposes the prayer by submitting that the petitioner is assailant and corresponding injury has been found in post mortem report and the injury was found caused by hard and blunt penetrating weapon.

In the facts and circumstances stated above, considering the allegation attributed against the petitioner serious in nature, I am not inclined to enlarge the petitioner on bail and as such, the prayer stands rejected. However, considering the detention of the petitioner, let the trial be expedited and concluded as early as possible preferably within nine months from the date of receipt/ production of a copy of this order.

(Jitendra Mohan Sharma, J.)

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