

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.12555 of 2016

Arising Out of PS.Case No. -112 Year- 2015 Thana -JALALGARH District- PURNIA

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1. Md. Shakir @ Shakir S/o Md. Iliyas @ Iliyas R/o village - Jalkar, P.S.
Jalalgarh, District - Purnea

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Fakhruddin Ali Ahmad

For the Opposite Party/s : Mr. Shailendra Kumar No.1(App)

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

4 17-05-2016 Heard the learned counsel for the petitioner, the

learned A.P.P for the State as well as the learned counsel for the

Informant.

The petitioner seeks bail in a case for the offences

punishable under sections 147, 148, 149, 323, 307, 302, 504 and

427 of the I.P.C

Allegedly, co-accused Shakib dashed the motorcycle

of the informant when the informant and his other two brothers

were going and thereafter Shakib slapped near the ear of Ekhlak

and called other co-accused. The petitioner and co-accused Shakib

after catching the hair of Ekhlak pushed him on the road resulting

he became unconscious. However, the informant and his one

brother saved themselves. During treatment Ekhlak died.

Submission is of false implication and that it is a case of an accident but the informant has lodged this false case, no offence punishable under section 302 of the I.P.C. is made out and as such the petitioner deserves sympathetic consideration who is suffering in custody since 01.09.2015.

The learned A.P.P. duly assisted by the learned counsel for the informant opposes prayer for bail by submitting that against the petitioner there is specific allegation that he and co-accused after catching the hair pushed down the deceased on the road and the deceased received injury on the back side of his head causing his death.

In the facts and circumstances as stated above, considering the specific allegation against the petitioner, at present I am not inclined to enlarge him on bail and accordingly his such prayer stands rejected in connection with Jalalgarh P.S. Case No. 112 of 2015 pending in the court of C.J.M. Purnea.

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

(Jitendra Mohan Sharma, J)

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