

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.15067 of 2016

Arising Out of PS.Case No. -403 Year- 2015 Thana -DALSINGHSARAI District- SAMASTIPUR

1. Shivadhar Giri son of Rajo Giri, resident of Village- Armauli, P.S.-
Dasingsarai (Ghatho), District- Samastipur..... Petitioner

Versus

1. The State of Bihar Opposite Party

Appearance :

For the Petitioner/s : Mr. Amitabh Bhardwaj

For the Opposite Party/s : Mr. Ram Naresh Roy(App)

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

ORAL ORDER

3 18-05-2016

Heard learned counsel for the petitioner and learned
counsel representing the State.

The petitioner seeks bail in connection with Dalsingsarai
P.S. Case No. 403 of 2015 registered for the offences punishable
under Sections 302, 364, 201, 120B of the Indian Penal Code.

Allegedly, the petitioner used to take away Rakesh Giri
the son of the informant for begging and on 26.10.2015 also the
petitioner and Ganesh Giri came at the house of the informant and
took away Rakesh Giri forcibly but he did not return and then
during search a boy came and told the informant that the petitioner
was seen with Rakesh Giri in Bolero in the fair, then the informant
went there and saw his son with the petitioner in the Bolero going.
On 28.10.2015 the informant came to know that the dead body of
Rakesh Giri is in Balan River, then he went there and saw the dead
body which was seriously injured by knife and crushed to death by

bricks.

Submission is of false implication and that there is no eye witness of the occurrence, the petitioner has been implicated only on suspicion and previous enmity, without any cogent and legal material the petitioner is suffering in custody since 09.11.2015.

Learned APP duly assisted by learned counsel for the informant opposes the prayer of bail by submitting that the petitioner was last seen with the deceased in Bolero vehicle and he has forcibly taken away the deceased and further the petitioner has got criminal antecedent as he is involved in 11 cases. The post mortem examination also reveals the cause of death has been found manual strangulation.

In the facts and circumstances stated above, considering the allegation and materials available against the petitioner, at present, this Court is not inclined to enlarge the petitioner on bail, accordingly, his such 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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