

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.19549 of 2016

Arising Out of PS.Case No. -459 Year- 2015 Thana -MAJHAULIA District-
WESTCHAMPARAN(BETTIAH)

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Nagina Mahto son of Late Bhabhikshan Mahto resident of Village- Ojha
Mathiya, P.S.- Majhauliya, District- West Champaran.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 26-05-2016

Heard learned counsel for the petitioner and the State.

The petitioner seeks bail in a case instituted under Sections 147, 149, 341, 323, 307 and 504 of the Indian Penal Code and later on Section 302 of the Indian Penal Code is added.

Allegation against the petitioner is that he along with other accused persons assaulted informant with lathi, phatha etc. causing injuries and informant died in course of treatment.

It has been submitted on behalf of the petitioner that he is in custody since 18.2.2016. Chargesheet has been submitted in the case. There is no allegation of tampering of evidence against the petitioner. General and omnibus allegation has been made against him and other co-accused. No specific injury has been attributed against him. From perusal of the post mortem examination report it is evident that there are only two injuries on the deceased as to when the allegation of indiscriminate assault was made against the accused persons. The cause of death, as indicated in the post mortem examination report, is due to septicemia. The death has taken place after 27 days of the alleged occurrence. Hence, the deceased has died due to secondary haemorrhage and not because

of the primary haemorrhage. Hence, no offence under Section 302 of the Indian Penal Code is made out.

On behalf of the State and the informant, it is submitted that petitioner is named in the F.I.R. and has actively participated in the alleged occurrence. The bail of the other co-accused has been rejected vide Cr. Misc. No. 12289 of 2016 dated 4.5.2016 with an observation to renew his prayer for bail after a period of six months, if the trial is not concluded.

Considering the aforesaid facts and circumstances that the bail of the other accused has already been rejected by a Bench of this Court observing to renew his prayer for bail after a period of six months, I am not inclined to grant bail to the petitioner and the same is rejected.

Any how, the court below is directed to take all necessary steps to conclude the trial in connection with Majhauria P.S. Case no. 459 of 2015 preferably within a period of six months. If the trial is not concluded within the said period, petitioner shall be at liberty to renew his prayer for bail.

(Sudhir Singh, J)

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