

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.30533 of 2016

Arising Out of PS.Case No. -39 Year- 2016 Thana -KATORIA District- BANKA

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Suresh Prasad Sah Son of Vishwanath Sah Resident of village - Katoria,
Police Station Katoria, District - Banka

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

4 15-09-2016

Heard learned counsel for the petitioner and the State.

The petitioner seeks bail in a case instituted under Sections 341, 323, 324, 325, 307, 379, 504 and 506/34 of the Indian Penal Code and later on Section 302 of the Indian Penal Code is added.

Allegation against the petitioner is that he inflicted on the head of the informant's brother by pointed iron rod while assault took place between the parties due to putting pipes for water on the land of the informant by the petitioner's side.

It has been submitted on behalf of the petitioner that he is in custody since 3.3.2016. Chargesheet has been submitted against the petitioner. Petitioner has got no criminal antecedent. No allegation of tampering of witnesses is alleged against the petitioner. As per the independent witnesses, a free-fighting is said to have taken place between the parties. It is at best a case under Section 304 of the Indian Penal Code. The death has taken place after four days of the occurrence.

On behalf of the State, it is submitted that petitioner is named in the F.I.R. Specific allegation of assault has been made against him causing injury upon the deceased. Later on, the

deceased succumbed to the said injury.

Considering the aforesaid facts and circumstances, I am not inclined to grant bail to the petitioner, same is rejected.

The trial court at Banka is directed to take all necessary steps to expedite the trial in connection with Katoria P. S. Case no.39 of 2016.

(Sudhir Singh, J)

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