

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.5754 of 2016

Arising Out of PS.Case No. -229 Year- 2015 Thana -KORHA District- KATIHAR

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1. Dilip Poddar Son of Late Sadar Poddar Resident of Village - Gerabari
Bazar , P.S.- Korha , District - Katihar.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bimal Kumar

For the Opposite Party/s : Mr. Rajiv Nayan(App)

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

11 13-07-2016

Supplementary affidavit has been filed on behalf of
the petitioner. Let it be kept on the record.

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

The petitioner seeks bail in a case for the offences
punishable under section 302/34 of the I.P.C

Allegedly, during occurrence the petitioner after
taking lathi from the hand of his son Binod Poddar assaulted
Ranjan Kumar Poddar @ Buchan Poddar, the husband of the
informant, on his head resulting bleeding injury. Thereafter the
husband of the informant was brought at Primary Health Centre,
Korha for treatment and was brought back to the house where he
died. The occurrence is said to be taken place due to the land
dispute.

Submission is of false implication and that there was

no intention to commit murder, due to the land dispute the occurrence has taken place, both sides have received injuries, when the husband of the informant was at Primary Health Centre, Korha he was in conscious state and thereafter he left the bed and came to the house which is evident from Annexure-3 to the supplementary affidavit and as such the petitioner who is suffering in custody since 04.12.2015 deserves sympathetic consideration, to which the learned A.P.P. seriously opposes by submitting that the petitioner is the assailant and intentionally he gave lathi blow on the head of the deceased.

In the facts and circumstances as stated above, considering the allegation attributed against the petitioner, at present I am not inclined to enlarge the petitioner on bail and accordingly his such prayer stands rejected in connection with Korha P.S. Case No. 229 of 2015 pending in the court of C.J.M. Katihar.

However, considering detention of the petitioner, let the trial be expedited and concluded as early as possible 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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