

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.12577 of 2016

Arising Out of PS.Case No. -86 Year- 2015 Thana -BHAWANIPUR District- PURNIA

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1. Gopal Mandal S/o Saryug Mandal resident of village - Pandit Basa, P.S.
Bhawanipur, District - Purnea

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Mukesh Kumar Jha

For the Opposite Party/s : Mr. R.P.S.Singh (App)

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

4 10-05-2016

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 sections 452, 323, 307 and 504/34 of the I.P.C

The allegation against the petitioner is that he
assaulted the informant by *Chhewani*, which is used for cutting
Banana, on his head with an intention to kill him, co-accused
Bhopal Mandal assaulted by *Chhewani* on the legs of the
informant and other co-accused assaulted with rod and lathi.

Submission is of false implication due to the land
dispute, there was no intervening circumstance, no offence under
section 307 of the I.P.C. is made out and the doctor has found the
injuries caused by the hard and blunt substance, both parties are

agnates, the petitioner has surrendered voluntarily in the light of the observation given in Cr. Misc. No. 54661 of 2015 and now by remaining in custody since 07.01.2016 the petitioner has been sufficiently penalized, to which the learned A.P.P. seriously opposes by submitting that cutting wound on parietal region of scalp measuring 6" x ½" x deep bone was found, later on the injured died though after seven months of the occurrence.

In the facts and circumstances as stated above, considering that the petitioner is responsible for causing cutting wound on the parietal region of scalp and as such at present I am not inclined to enlarge the petitioner on bail and accordingly his such prayer stands rejected in connection with Bhawanipur P.S. Case No. 86 of 2015 pending in the court of A.C.J.M. Purnea.

However, let the trial be expedited and concluded preferably within a period of six months from the date of receipt/production of a copy of this order, failing which the petitioner, if at no fault, may renew his prayer for bail.

(Jitendra Mohan Sharma, J)

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