

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.18025 of 2016

Arising Out of PS.Case No. -97 Year- 2015 Thana -SARMERA District- NALANDA
(BIHARSHARIFF)

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1. Bipin Yadav Son of Late Mahendra Yadav, Resident of Village - Isua
Tola Paschim Beldaria, P.S. - Sarmera, District - Nalanda. Petitioner

Versus

1. The State of Bihar Opposite Party

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Appearance :

For the Petitioner/s : Mr. Md. Naushad

For the Opposite Party/s : Mr. Anil Kr.Singh(App)

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

ORAL ORDER

4 24-06-2016

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

The petitioner seeks bail in connection with Sarmera P.S.
Case No. 97 of 2015 registered for the offences punishable under
Sections 341, 323, 504, 302, 447, 337, 338/34 of the Indian Penal
Code.

In the first information report the specific allegation
against the petitioner is that he gave fatal brick blow on the chest
of the father-in-law of the informant causing his death.

Submission is of false implication and that the occurrence
has taken place due to land dispute, there was no intention to
commit murder, the occurrence has taken place at the spur of
moment and during investigation the informant Shyama Devi in
her further statement has not stated specifically, some of co-

accused have been allowed pre-arrest bail, the petitioner is suffering in custody since 21.11.2015 and as such the petitioner also deserves sympathetic consideration to which the learned APP duly assisted by learned counsel for the informant opposes by submitting that other witnesses have also specifically stated that the petitioner gave fatal brick blow on the chest of the father-in-law of the informant causing his death and the post mortem report also corroborates the same.

In the facts and circumstances stated above, at present, this Court is not inclined to enlarge the petitioner on bail, accordingly, his such prayer stands rejected.

However, learned trial court is directed to expedite the trial and conclude the same as early as possible, preferably within nine months from the date of receipt/production of a copy of this order after taking all positive steps, failing which the petitioner may be at liberty to renew his prayer for bail.

(Jitendra Mohan Sharma, J)

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