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IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.5740 of 2016

Arising Out of PS.Case No. -164 Year- 2015 Thana -BAGHA District- WESTCHAMPARAN(BETTIAH)

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1. Lorik Ram Son of Bichandi Ram, Resident of Village- Pakargao, P.S. Bagaha, District- West Champaran.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr. Bimlesh Kumar Pandey
For the Opposite Party/s : Mr. Dr.Indiwar Kumari(App)

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA

ORAL ORDER

3 08-04-2016 Heard the learned counsel for the petitioner, the learned A.P.P for the State as also the learned counsel for the Informant.

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

Allegedly, the petitioner and other co-accused started abusing and assaulting Dharmendra Ram @ Pankaj and Ranjeet and thereafter the petitioner with an intention to kill assaulted with iron khanti on the head of Dharmendra Ram @ Pankaj resulting he fell down and became unconscious. Dharmendra Ram @ Pankaj later on died in the way to Lucknow.

Submission is of false implication and that due to the trivial dispute the occurrence has taken place, it is not a pre

planned murder, at the spur of moment the crime was committed, during investigation some of the witnesses vide paragraphs- 42 and 45 of the case diary have not supported the manner of occurrence as alleged in the First Information Report, the doctor who has conducted the postmortem examination has found only one injury on the left parietal region caused by the sharp cutting weapon.

The learned A.P.P. duly assisted by the learned counsel for the informant opposes the prayer for bail by submitting that the petitioner is the assailant and during investigation also the witnesses have taken the name of the petitioner as the assailant.

In the facts and circumstances as stated above, considering the allegation attributed against the petitioner, serious in nature, I am not inclined to enlarge the petitioner on bail and accordingly his such prayer stands rejected in connection with Bagaha P.S. Case No. 164 of 2015 pending in the court of A.C.J.M. Bagaha, West Champaran.

However, considering detention of the petitioner, let the trial be expedited and concluded within nine months.

(Jitendra Mohan Sharma, J)

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