

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.56314 of 2015

Arising Out of PS.Case No. -111 Year- 2014 Thana -KISHUNPUR District- SUPAUL

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1. Manoj Yadav son of Surendra Prasad Yadav resident of village - Tulapatti, P.S. - Kishanpur, District - Supaul.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pramod Mishra

For the Opposite Party/s : Mr. Ram Sumiran Rai(App)

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

5 06-05-2016 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 offence punishable under section 302/34 of the I.P.C

Allegedly, the petitioner assaulted Lalan Yadav on his head with bamboo clump resulting bleeding and he fell down and thereafter other co-accused also assaulted him. Lalan Yadav died during treatment at P.M.C.H.

Submission is of false implication and that as a matter of fact the deceased fell down in drunken condition resulting he received injury on his head, the petitioner has been made accused only with ulterior motive, no offence punishable under section 302 of the I.P.C. is made out, other co-accused, namely, Ashok Yadav

and Sanjay Yadav have been allowed bail vide Cr. Misc. No. 7236 of 2015 and as such the petitioner also deserves sympathetic consideration, to which the learned A.P.P. opposes by submitting that the postmortem report reflects the injury on the head and for that the petitioner is responsible and the cause of death is also due to the head injury.

In the facts and circumstances as stated above, considering the allegation attributed against the petitioner, I am not inclined to enlarge the petitioner on bail and accordingly his such prayer stands rejected in connection with Kishanpur P.S. Case No. 111 of 2014 pending in the court of C.J.M. Supaul.

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