

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.2351 of 2016

Arising Out of PS.Case No. -84 Year- 2015 Thana -KHUDAGANJ District- NALANDA
(BIHARSHARIFF)

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1. Shailendra Kumar @ Bhagwan Jee Son of Late Naresh Prasad Resident
of Village/Mohalla - Rupaspur, P.S. - Khudaganj, District - Nalanda.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pramod Kumar

For the Opposite Party/s : Mr. Ashok Kumar Singh(App)

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

ORAL ORDER

6 28-04-2016 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, co-accused Sabita Devi caught hold the

hand of Satish Kumar, the husband of the informant, and the

petitioner gave *Barchhi* blow below the chest of right side of rib

cage causing his death.

Submission is of false implication and that the

prosecution version appears not true, there is delay in sending the

First Information Report to the court, the deceased was a veteran

criminal, Sabita Devi, who is co-accused in this case, was in

advance stage of the pregnancy on the alleged date of occurrence, not even a drop of blood was found at the place of occurrence and as such the petitioner deserves sympathetic consideration as he has got no criminal history and bad antecedent, he has voluntarily surrendered on 26.06.2015 and since then he is in custody.

The learned A.P.P. duly assisted by the learned counsel for the informant opposes prayer for bail by submitting that the petitioner is the assailant and in the inquest report and the postmortem report penetrating wounds have been found.

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 Khudaganj P.S. Case No. 84 of 2015 pending in the court of A.C.J.M. Hilsa, Nalanda.

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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