

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.34206 of 2016

Arising Out of PS.Case No. -48 Year- 2015 Thana -OBRA District- AURANGABAD

Munna Kumar @ Munna Dom Son of Sri Shyam Sundar Dom, resident of
Village- Dom Patti, Obra, Police Station- Obra, District- Aurangabad.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

Appearance :

For the Petitioner : Mr. Bimal Kumar

For the Opposite Party : Smt Indu Kumari Srivastava

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 29-09-2016 Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner seeks bail in a case instituted under
Sections 302/34 of the Indian Penal Code.

The prosecution story, in brief, is that the petitioner
along with co-accused namely Karan Dom are said to have killed
the husband of the informant by cutting his neck by Fasuli,
whereas the other co-accused namely Manoj Dom and Gajadhar
Dom are said to have caught hold the deceased.

It has been submitted on behalf of the petitioner that the
petitioner is in custody since 31.05.2015. The charge sheet has
been submitted in the present case. The petitioner has got no



criminal antecedent. There is no allegation of tampering of witnesses alleged against the petitioner. Altogether five persons are named in the First Information Report. Informant is not an eyewitness to the alleged occurrence. The entire incident is said to have been narrated to the informant by one Raj Kumar Dom. There is admitted enmity between the parties. General and omnibus allegation has been made against the petitioner. Co-accused namely Manoj Dom and Gajadhar Dom have been granted bail.

On behalf of the state, it has been submitted that the petitioner is named in the F.I.R. Specific allegation of cutting the neck of the deceased by *Fasuli* is alleged against the petitioner and other co-accused namely Karan Dom. In para-9 of the case diary, the eyewitness namely Raj Kumar Dom has stated that the petitioner and co-accused Karan Dom have cut the neck of the deceased by *Fasuli*. The informant has also claimed that when she reached at the place of occurrence, she has seen the petitioner and co-accused Karan Dom with a *Fasuli*, having blood stained. The postmortem report also supports the allegation made against the petitioner. The petitioner is said to be one of the main assailants.

Considering the aforesaid facts and circumstances, I am not inclined to grant bail to the petitioner. The same is rejected in

Sessions Trial No. 01 of 2016, arising out of Obra P.S. Case No. 48 of 2015, pending in the court of learned Additional Sessions Judge-VII, Aurangabad.

Anyhow, the court below is directed to take all necessary steps to expedite the trial.

(Sudhir Singh, J.)

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