

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.21698 of 2017

Arising Out of PS.Case No. -210 Year- 2016 Thana -KUCHAIKOTE District- GOPALGANJ

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1. Atma Kumar Son of Bharat Sah, R/o Village- Hajiapur, P.S.- Gopalganj,
District- Gopalganj.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Harendra Prasad, Advocate

For the Opposite Party/s : Smt Renu Kumari, APP

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

11 12-10-2017 Heard learned counsel for the petitioner and learned
counsel for the State.

Petitioner is languishing in custody since 08.10.2016 in
connection with Kuchaikot P.S. Case No. 210 of 2016 for offence
punishable under Section 302/34 of the Indian Penal Code.

The prosecution case, as lodged by the informant, is
that while she was sitting in her food shop and her son was in his
mobile shop, four persons including the petitioner came and
assaulted the informant's son Abhimanyu Sharma with *Chhura*
and the petitioner along with other co-accused and two unknown
persons managed to escape from the place of occurrence.

It has been submitted by the learned counsel for the
petitioner that he is innocent and has been falsely implicated in the



aforesaid case, has no criminal antecedent. In fact, the petitioner belongs to a business family and the witnesses including the brother and the sister of the deceased have not made any specific allegation against him. He submits that charge-sheet has already been submitted and there is not allegation of tampering of the prosecution witnesses by the petitioner.

However, learned APP for the State opposes the prayer for bail stating therein that the informant and the brother of the deceased are eye witnesses to the alleged occurrence.

Considering the facts and circumstances and the materials on record, I am not inclined to grant the privilege of bail to the petitioner at this stage.

However, the trial court is directed to expedite the trial.

(Nilu Agrawal, J)

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