

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.49740 of 2016

Arising Out of PS.Case No. -636 Year- 2014 Thana -GAYA KOTWALI District- GAYA

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Rakesh Kumar @ Rakesh Sao, son of Mahabir Prasad @ Mahabir Sao,
Resident of village- Mauriya Ghat, Riverside Road, P.S. Kotwali, District-
Gaya.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Ramesh Kumar Singh

For the Opposite Party/s : Mr. Gauri Shankar Gupta

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 15-02-2017 Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner seeks bail in a case instituted under
Sections 147, 148, 149, 323, 307, 302 and 120B of the Indian
Penal Code.

The prosecution case, in brief, is that the petitioner
along with Bimal Sao is alleged to have assaulted on the head of
Arun Kumar by rod and hammer due to which he sustained
injuries and fallen down and thereafter they assaulted Anjay
Kumar and driver of Arun Kumar, who also sustained injuries.
Later on, Arun Kumar succumbed to the injuries. The occurrence
is alleged to have taken place due to land dispute.

Earlier the bail application of the petitioner was
rejected vide Annexure-1 to the present application with direction



to conclude the trial within a period of one year from the date of receipt/production of copy of this order. It is second attempt made on behalf of the petitioner for grant of bail.

As per allegation, the petitioner is one of the assailants, who caused injury on the head of the deceased. The said fact is also corroborated from the postmortem report.

A report was called for from the trial Court regarding the stage of the case. It has been reported that charge could not be framed as the accused are taking adjournments on the ground of filing revision before the Hon'ble High Court against the order rejecting the application for discharge.

Considering the aforesaid facts and circumstances, I do not find any fresh ground to reconsider the application of the petitioner. The same is rejected in connection with Kotwali P.S. Case No. 636 of 2014, corresponding to S.Tr. No. 14 of 2016/32 of 2016, pending in the court of learned Additional Sessions Judge-8, Gaya.

(Sudhir Singh, J)

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