

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.55353 of 2016

Arising Out of PS.Case No. -259 Year- 2015 Thana -SALKHUA District- SAHARSA

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Jay Kumar Bharti s/o Bijo Sah, r/v- Thadhiya @ Dhadhiya, P.S. – Salkhua
(Banma Itahari O.P.), District - Saharsa

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pawan Kumar, Adv.

For the Opposite Party/s : Mr. Rajkishore Singh, APP

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA

ORAL ORDER

3 01-03-2017 Heard both sides.

The petitioner seeks bail in Salkhua (Banma Itahri O.P.) P.S. Case No. 259/2015, registered for the offences punishable under Sections 302 and 120B of the Indian Penal Code and Section 27 of the Arms Act.

The informant alleged that his son had gone to deposit electricity bill along with Sudhir Kumar Sah and while they were returning, the petitioner and others intercepted them and petitioner fired on the chest of his son, killing his son on the spot.

Learned counsel for the petitioner submits that there is no eye-witness of the occurrence. The informant claimed himself to be the eye-witness of the occurrence, but from perusal of further statement of the informant, it would appear that he did



not see the occurrence and other witnesses have also made statement, as if, they saw the occurrence.

It appears that the informant and other witnesses have very categorically stated that it was the petitioner, who fired at the chest of the deceased, killing him on the spot.

Considering the facts aforesaid, I am not inclined to enlarge the petitioner above-named on bail. Accordingly, the same is rejected.

The trial court is directed to hold the trial on day-to-day basis and conclude the same within one year from the date of receipt of this order. The Superintendent of Police, Saharsa is directed to ensure the attendance of all the non-examined prosecution witnesses of Salkhua (Banma Itahri O.P.) P.S. Case No. 259/2015, pending in the court of Additional Chief Judicial Magistrate-II, Saharsa, so that the trial must be concluded within one year.

Let a copy of this order be sent to the trial court as well as the Superintendent of Police, Saharsa for information and needful.

(Prabhat Kumar Jha, J.)

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