

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.47659 of 2016

Arising Out of PS.Case No. -213 Year- 2013 Thana -BAJPATTI District- SITAMARHI

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1. Mojibur Rahman @ Laddu @ Mojibul Rahman son of Late Md. Ayub
resident of Village - Madaripur, P.S. - Bajpatti, District k- Sitamarhi

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Nilesh Kumar

For the Opposite Party/s : Mr. Sri Anant Kumar

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

ORAL ORDER

5 09-02-2017 Heard the learned counsel for the petitioner as well as

the learned A.P.P for the State.

The petitioner seeks bail in a case for the offences
punishable under sections 147, 148, 149, 448, 323, 324, 325, 379,
307, 435, 427 and 302 of the I.P.C

Allegedly, the petitioner and others surrounded the
informant and the petitioner assaulted with rod which hit the head
of the informant and he became injured, thereafter, the informant
fled away and in the meantime the petitioner and other FIR named
accused persons entered into the house of the informant and
surrounded Md. Sohail, the elder brother of the informant and the
petitioner assaulted him with knife and Md. Salim assaulted with
rod causing injury to him and others were assaulting and Md.
Sohail succumbed to the injury during treatment.



Submission is of false implication and that the informant is not the eye witness regarding the second occurrence, he has lodged the FIR as eye witness, admittedly he was out of the house and what was happening inside the house he cannot say and as such the petitioner deserves sympathetic consideration as he is suffering in custody since 18.07.2016.

The learned A.P.P. seriously opposes prayer for bail by submitting that the petitioner is the assailant. Further, the learned AP.P. submits that the informant was hiding himself in the house where Md. Sohail was assaulted and further the petitioner surrenders at the belated stage as the case is of the year 2013 and he has surrendered on 18.07.2016.

In the facts and circumstances as stated above, considering the allegation attributed against the petitioner, I am not inclined to release the petitioner on bail and accordingly his such prayer stands rejected in connection with Bajpatti P.S. Case No. 213 of 2013 pending in the court of S.D.J.M. Pupari, Sitamarhi.

However, considering detention of the petitioner, the trial court is directed to expedite the trial and to conclude the same preferably within a period of nine months.

(Jitendra Mohan Sharma, J)

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