

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.32828 of 2017

Arising Out of PS.Case No. -164 Year- 2015 Thana -BIKRAM District- PATNA

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1. Abhishek Kumar, son of Sri Brajesh Singh, resident of Village-
Nisarpura, P.S.- Bikram, District- Patna.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shiva Shankar Prasad Singh

For the Opposite Party/s : Mr. Iftekhar Mahmood

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

3 01-08-2017 Learned counsel for the petitioner is permitted to
make correction in Para 2 of the petition.

Heard the parties.

This application is for grant of regular bail in
connection with Bikram P.S.Case No.164 of 2015, for the offences
punishable under Sections 341, 323, 325, 302 and 201/34 of the
Indian Penal Code.

Allegation against the petitioner as per F.I.R. is that
he along with one co-accused has assaulted the deceased causing
his death.

Submission of the learned counsel for the petitioner is
that from perusal of the F.I.R., it will appear that the informant is
not eye witness of the occurrence and the father, mother, wife and



brother of the deceased have also named this petitioner but they are not eye witness of the occurrence and he has been falsely implicated in this case only on the basis of suspicion. The petitioner is in custody for about five months.

Heard learned A.P.P. also, who has opposed the prayer for bail and drawn my attention towards para 33 of the Case Diary and one of the independent witnesses and also eye witnesses of the occurrence have named the petitioner and other co-accused persons of assaulting the deceased causing his death and the post mortem report also supports the case of the prosecution.

Having heard both sides and in view of the facts and circumstances, as stated above, I am not inclined to grant bail to the petitioner, however, the petitioner is in custody the learned trial court is directed to expedite the trial and try to conclude it within a period of one year.

With the aforesaid observation, this application is dismissed.

(Vinod Kumar Sinha, J)

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