

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.37102 of 2017

Arising Out of PS.Case No. -95 Year- 2013 Thana -RAJNAGAR District- MADHUBANI

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Mahendra Pasi @ Mahindra Pasi @ Dharamraj @ Chatru Son of Nanka
Pasi @ Brijlal Pasi, R/o Village- Adampur, P.O.- Ahrampur, P.S.-
Nawabganj, Tahsil- Saraon, District- Allahabad (Uttar Pradesh).

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Gajendra Kumar Jha, Advocate

For the Opposite Party/s : Mr. Iftekhhar Mahmood, APP

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 07-09-2017 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

Petitioner is languishing in judicial custody since
25.12.2016 in connection with Sessions Trial No. 132 of 2017,
G.R. No. 1106 of 2013, arising out of Raj Nagar P.S. Case No. 95
of 2013 pending in the Court of learned Additional District and
Sessions Judge-IIInd, Madhubani registered for the offence
punishable under Sections 307 and 302 of the Indian Penal Code.

The prosecution case, as lodged by the informant, is
that her husband was working as labourer in a brick-kiln since
2013 along with the petitioner and one Kamlesh. They had gone to
attend a wedding ceremony on the last night and there the



petitioner had some altercation with the deceased, Jagdish Pal and another associate Kamlesh. In the morning, petitioner came with the stick and assaulted the deceased at the back of his head, as a result, he became unconscious. Thereafter he was taken to Asha Hospital, Allahabad from where he was referred to S.R.N. Hospital, Allahabad, but on way to S.R.N. Hospital, Allahabad, he succumbed to the injuries on 17.05.2013.

It has been submitted by the learned counsel for the petitioner that he is innocent, bears no criminal history. The petitioner and the deceased had good relation, but the allegation is that on the spur of moment, petitioner hit the deceased with stick. He submits that no such overt act was committed by the petitioner and that the matter is pending for trial and he undertakes to cooperate in the trial. It has further been submitted that although the occurrence is of 07.05.2013 and death occurred on 17.05.2013, but the First Information Report has been lodged on 02.06.2013 after inordinate delay and no plausible explanation has been given for such delay.

However, learned A.P.P. for the State vehemently opposes the prayer for bail stating therein that the prosecution witness, Kamlesh had narrated the entire incident and the



petitioner has been alleged to have committed the offence.

Considering the facts and circumstances and the materials on record, I am not inclined to grant the privilege of bail to the petitioner. This application is, accordingly, rejected.

However, the learned Court below is directed to expedite the trial.

(Nilu Agrawal, J.)

Arjun/-

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