

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.46663 of 2017

Arising Out of PS.Case No. -132 Year- 2017 Thana -SAUR BAZAR District- SAHARSA

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1. Subhan Mian Son of Subrat Mian @ Suburath Mian resident of Village Baijnathpur, PS Sour Bazar, District Saharsa.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rajnandan Kumar

For the Opposite Party/s : Mr. Sri Madhuranand Jha

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

3 07-11-2017 Heard the parties.

This application is for grant of regular bail in connection with Sour Bazar P.S.Case nO.132 of 2017 for the offences punishable under Sections 147, 148, 149 and 302 of the Indian Penal Code.

Allegation against the petitioner and other accused persons is of assaulting the deceased and specific allegation against the petitioner is of assaulting by '*khanti*' on the back of the head of the deceased.

Submission of the learned counsel for the petitioner is that as a matter of fact the deceased had come for demand of *rangdari* and when the petitioner and other accused persons did not fulfil the demand, the deceased fired, killing one person and in



retaliation, the mob also assaulted the deceased, causing his death. It has also been submitted that though it is alleged that he has assaulted on the back of the head by *khanti* but no such injury has been found on the back of the head and the petitioner is in custody for about six months.

Heard learned A.P.P. and the learned counsel for the informant. They have opposed the prayer for bail on the ground that post mortem report supports the prosecution version.

Having heard both sides and in view of facts and circumstances, as stated above, and there is specific allegation against the petitioner, I am not inclined to grant bail to the petitioner, however, considering the facts and circumstances of the case, the learned trial court is directed to expedite the commitment of the case and once the case is committed, he will try to conclude it within a period of nine months and if not concluded, the petitioner is at liberty to renew his prayer for bail.

With the aforesaid observation, this application is dismissed.

(Vinod Kumar Sinha, J)

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