

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.15778 of 2017

Arising Out of PS.Case No. -80 Year- 2016 Thana -JAINAGAR District- MADHUBANI

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1. Maheshwar Singh son of Late Rati Chandra Singh, resident of village Parwa, P.S. Jai Nagar, District Madhubani.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Vijay Kumar, Advocate

For the State : Mr. Sri Sanjay Kumar Singh, APP

For the Informant : Mr. Vinod Kumar, Advocate

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA
ORAL ORDER

3 16-05-2017 Heard both sides.

The petitioner seeks bail in Jai Nagar P.S. case No. 80 of 2016 under Section 302 and other Sections of the Indian Penal Code.

The informant, son of the deceased, alleged that his father was filling his vacant land and some soil fell on the land of the petitioner. On such, the petitioner and others came at his Darwaja and began to abuse. The petitioner is said to have assaulted the father of the informant with spade on his head. The father of the informant died during the course of treatment in DMCH, Darbhanga.

The learned counsel for the petitioner submits that



there is land dispute between the two sides. The occurrence took place in spur of moment. No offence under Section 302 of the IPC can be made out. At best an offence under Section 304 of the IPC can be made out and for that the petitioner is in jail since 19.08.2016 but it appears that it was the petitioner who, on petty dispute, assaulted the father of the informant with spade on his head and the single blow caused fatal injury.

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

The trial court is directed to expedite the trial, 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, Madhubani is directed to ensure the attendance of prosecution witnesses of Jai Nagar P.S. case No. 80 of 2016 in the trial court so that the trial must be concluded within one year.

If the trial is not concluded within one year, the petitioner may renew his prayer for bail.

Let a copy of this order be sent to trial court and S.P., Madhubani for needful.

(Prabhat Kumar Jha, J)

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