

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.9448 of 2017

Arising Out of PS.Case No. -210 Year- 2016 Thana -MURLIGANJ District- MADHEPURA

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1. Shambhu Sah, Son of Late Shivnandan Sah, Resident of village -
Sahebganj Itahari, Police Station - Murliganj, District - Madhepura

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Uday Chand Prasad

For the Opposite Party/s : Mr. Smt. Renuka Ratnakar

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

2 11-04-2017 Heard learned counsel for the petitioner, learned

counsel for the informant and learned A.P.P. representing the

State.

The petitioner seeks bail in connection with Murliganj

P.S. Case No. 210 of 2016 in Session Trial No. 201 of 2016

registered for the offence punishable under Section 302/34 of the

Indian Penal Code.

Allegedly, the petitioner assaulted with butt of the

three nut and Pappu Sah has assaulted with sharp object weapon to

the father of the informant and killed him.

Submission is of false implication and that as per post

mortem report, cause of death is hemorrhage and shock due to

lacerated wound on head size 3" x 2" x 1" which is caused by hard



and blunt object. Only one injury has been found on the person of the deceased and co-accused Pappu Sah has been allowed bail by another Bench of this Hon'ble Court. Petitioner has got no criminal antecedent and, as such, he deserves sympathetic consideration.

The learned APP duly assisted by learned counsel for the informant opposes the prayer of bail by submitting that it was the petitioner who gave fatal blow to the deceased Shawari Sah causing his death. The petitioner was having three nut and with the butt of three nut he has assaulted and in postmortem report also injury, caused by hard and blunt substance, has been found whereas, the petitioner Pappu Sah was having sharp edge weapon and no injury of sharp edge weapon has been found on the body of the deceased.

In the facts and circumstances stated above, considering that the petitioner is the assailant and, as such, at present I am not inclined to enlarge the petitioner on bail and accordingly, his such prayer stands rejected in connection with Murliganj P.S. Case No. 210 of 2016 in Session Trial No.. 201 of 2016 pending in the Court of learned Additional Session Judge-III, Madhepura.

However, considering the detention of the petitioner,



let the trial be expedited and concluded within a period of six months.

(Jitendra Mohan Sharma, J)

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