

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.44416 of 2017

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

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1. Natho Mian Son of Ashuf Mian @ Yashuf Mian, R/o Village- Baijnath
Pur, P.S.- 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. Birendra Kumar Sinha, Sr. Advocate
Mr. Rajnandan Kumar, Advocate

For the Informant : Mr. Suman Kumar Jha, Advocate

For App./State : Mr. Pushpa Sinha, APP

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 21-11-2017 Heard learned counsel for the petitioner, learned
counsel for the informant and learned APP for the State.

Petitioner is languishing in judicial custody since
12.04.2017 in connection with Sour Bazar P.S. Case No. 132 of
2017 for offences punishable under Sections 147, 148, 149 and
302 of the Indian Penal Code.

The prosecution case, as lodged by the informant, is
that the petitioner along with other co-accused assaulted his
brother, Vikash Yadav as a result, he sustained injury and died.
Specific allegation upon petitioner is of assaulting by means of
dagger on the head of the deceased.

It has been submitted by the learned counsel for the



petitioner that he is innocent. Fact is that the petitioner's side was on the construction side for construction of NH, deceased came and demanded Rangdaari and on non-fulfillment of Rangdaari, the deceased fired, which hit one of the laborer Md. Kaari and then labourers became violent and assaulted the deceased on which he died. He submits that there were three injuries on the deceased as per the post-mortem report and on whose injury, the deceased died, is not specific, although, it was the injury on the head caused by hard and blunt substance which resulted in the death of the deceased as per the post-mortem report. It has further been submitted that charge-sheet has already been submitted and there is no allegation of tampering with the prosecution witnesses by the petitioner.

However, learned counsel for the informant submits that the petitioner inflicted dagger blow on the head and it was the head injury which was caused by petitioner which resulted in the death of Vikash Kumar.

Learned APP for the State also opposes the prayer for bail.

Considering the facts and circumstances and the materials on record, I am not inclined to grant the privilege of bail to the petitioner at this stage. Accordingly, his prayer for bail



stands rejected in connection with Sour Bazaar P.S. Case No. 132 of 2017 pending before Learned Chief Judicial Magistrate, Saharsa.

However, the trial court is directed to expedite the commitment of the case and once the case is committed, trial court will conclude the trial within nine months and if, not concluded by that time, the petitioner is at liberty to renew his prayer for bail.

(Nilu Agrawal, J)

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