

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.55689 of 2018

Arising Out of PS.Case No. -45 Year- 2016 Thana -BANGAWON District- SAHARSA

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1. Munchun Khan, S/o Late Diwakar Khan, R/o Village & P.S. Bangaon & District- Saharsa.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Diwakar Prasad Singh, Advocate.

For the Opposite Party/s : Mr. Kumar Ranjit Ranjan, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

4 12-10-2018

Heard learned counsel for the petitioner and the State.

The petitioner seeks bail in Bangaon P.S. Case 45 of 2016 instituted for the offence under Sections 341, 323, 324, 504 and 506 of the Indian Penal Code. Subsequently, Section 307 of the Indian Penal Code was added.

In the written report there is specific allegation against the petitioner of assaulting the informant with sword repeatedly in order to kill him, while he was sleeping at his door (*darwaza*). The son of the informant came to save him then petitioner also attempted to assault him and fled away. The informant was brought to Sadar Hospital, Saharsa, from where he was referred to Patna for better treatment.

Counsel for the informant has appeared and opposed



the prayer for bail. He has submitted that informant died subsequently.

Counsel for the petitioner submits that no post mortem examination was done.

From the injury report it appears that informant had sustained two injuries, one was grievous in nature and other was simple. Both injuries were caused by sharp cutting weapon. There is specific allegation of assaulting the informant against the petitioner, who subsequently died.

Therefore, this Court is not inclined to grant bail to the petitioner at this stage.

Prayer for bail of the petitioner stands rejected.

Petitioner may renew prayer for bail after six months if no substantive progress is made in the trial.

S.Ali/-

(Sanjay Priya, J)

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