

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.61423 of 2018

Arising Out of PS. Case No.-298 Year-2018 Thana- TURKAULIYA District- East
Champaran

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Deonath Sah, Son of Late Kailash Sah, Resident of Village- Shankar Saraiya,
Rama Singh Tola, Police Station- Turkauliya, District- East Champaran at
Motihari.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjana

For the Opposite Party/s : Mr. Sri Bal Mukund Prasad Sinha

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

3 28-11-2018 Heard the learned counsel for the petitioner, the
informant and the learned A.P.P. for the State.

The petitioner seeks bail in Turkauliya P.S. Case No.
298/2018, instituted under Sections 302/34 of the Indian Penal
Code.

It is alleged in the written report that father of
informant had taken loan of Rs. 1,000/- from this petitioner. On
24.05.2018 at about 6:00 P.M., this petitioner demanded Rs.
3,000/- after adding interest. Father of informant showed
inability to repay the same then this petitioner along with other
F.I.R. named accused persons assaulted him with iron rod, lathi
etc. Thereafter, father of informant was taken to hospital in
serious condition and finally he died on 27.05.2018.



Learned counsel for informant has submitted that eye-witnesses in paragraphs 5, 6 and 7 of case diary and independent witnesses in paragraphs 28, and 29 of case diary have stated that this petitioner has assaulted the father of informant with iron rod.

Post-mortem report is available in case diary, wherein cause of death is opined due to shock on account of head injury caused by hard and blunt substance.

In such view of matter, there is specific allegation of assault against this petitioner. Therefore, this Court is not inclined to grant bail to the petitioner at this stage. Accordingly, prayer for bail of petitioner is rejected.

The trial court is directed to expedite the trial and make all efforts to conclude the same as soon as possible preferably within a period of nine months from the date of receipt of this order.

(Sanjay Priya, J.)

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