

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.64140 of 2018

Arising Out of PS. Case No.-8 Year-2018 Thana- SHRI NAGAR District- Madhepura

Md. Rizwan @ Md. Rizman, Son of Mukhtar @ Mukhtar Alam Resident of
Village-Chainpur, P.S. Sri Nagar Distt.-Madhepura

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bam Bahadur Jha

For the Opposite Party/s : Mr. Dr.Mrityunjaya Kr.Gautam

CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

4 03-12-2018 Heard the learned counsel for the petitioner, the
informant and the learned A.P.P. for the State.

The petitioner seeks bail in Srinagar P.S. Case No.
08/2018, instituted for offences under Sections 341, 342, 323,
302 and 504/34 of the Indian Penal Code.

It is alleged in the written report that on the date of
occurrence at about 3 P.M. the petitioner along with co-accused
Tetri Khatoon armed with iron rod and Dabiya were cutting
bamboos and small plants of Jiyal and Tut from the land of the
informant. The informant made protest then they started
abusing. In the meantime, other named accused persons armed
with deadly weapon arrived and assaulted him by catching hold
him. It is further alleged that co-accused Tetri Khatoon ordered
to catch hold the informant and take him to the house to cut him.



While the informant being taken away by accused persons, his brother-in-law Md. Rafique came to save him. The co-accused Tetri Khatoon ordered to kill Md. Rafique, upon which the petitioner assaulted him with iron rod on neck from behind due to which he fell down on the ground. Thereafter accused persons assaulted him with legs and fists due to which he died.

Case diary has been received in this case.

Learned Addl. P.P. has submitted that in the post-mortem report doctor has found injury on the vital organ of brain caused by hard and blunt substance.

Learned Sessions Judge has mentioned in the impugned order that supplementary charge-sheet has already been submitted against this petitioner showing him absconder.

The petitioner is main assailant in the case.

Considering the aforesaid facts and circumstances, 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 early as possible preferably within a period of nine months from the date of receipt of this order.

The petitioner will be at liberty to renew prayer for



bail in the event trial is not concluded within aforesaid period.

(Sanjay Priya, J)

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