

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.32457 of 2018

Arising Out of PS.Case No. -338 Year- 2017 Thana -FALKAHA District- KATIHAR

=====

Bino Rishi @ Binod Rishi, S/o Late Ram Fal Rishi, Resident of Village-
Mohjan, P.S.- Falka, District- Katihar.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

=====

Appearance:

For the Petitioner/s : Mr. Mukesh Kumar Jha

For the Opposite Party/s : Mr. Anil Kumar Singh 1

=====

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD

ORAL ORDER

2 13-06-2018 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner is seeking regular bail in Falka P.S.
Case No. 338/2017 registered under Sections 326, 307/34 of the
Indian Penal Code but later on Section 302 I.P.C. was added.

Learned counsel for the petitioner submits that the
dispute seems to have arisen over a piece of land and in the heat of
passion as it appears the parties assaulted each other. It is
submitted that even though the petitioner has been attributed
repeated spade blows which proved fatal against the petitioner,
however, keeping in mind that the dispute was in the nature of
land dispute in which the occurrence took place the petitioner may
be enlarged on bail.

On the other hand, learned counsel for the informant as



well as learned A.P.P. for the State opposed the prayer for bail. Learned counsel for the informant submits that this petitioner used a sharp cutting weapon and gave repeated blow on the deceased which ultimately proved fatal would not entitle him for getting a release on bail. It is submitted that the deceased made a statement on the basis of which the F.I.R. was lodged and it has been treated as a dying declaration as the informant died in course of treatment.

Considering the facts and circumstances of the case where specific spade blows have been attributed to this petitioner causing death of the informant and that the petitioner is in custody only from 06.12.2017, I am not inclined to grant regular bail to the petitioner in the above mentioned case. The same is rejected.

Let the trial of the petitioner be expedited. If the records have not been committed to the Court of Sessions, let the same be done within a period of one month from the date of receipt / production of a copy of this order.

(Rajeev Ranjan Prasad, J)

Dilip/Anjula/Sanjeev

U		T	
---	--	---	--

