

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.51674 of 2018

Arising Out of PS.Case No. -66 Year- 2017 Thana -CHANDAMUNDI District- JAMUI

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Mahendra Ray, S/o Parmeshwar Ray, resident of Village- Fulachi, P.S. Margomunda, District Deoghar, Jharkhand.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Prabhat Ranjan Singh, Advocate.

For the Opposite Party : Mr. Md. Anzarul Haque Sahara, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 19-09-2018 Heard learned counsel for the petitioner and learned A.P.P. for the State.

The petitioner is languishing in custody since 20.07.2017 in a case for the offence registered under Sections 323, 324, 326, 341, 307,302, 504 and 120(B)/34 of the IPC.

The prosecution story, in brief, is that on 18.07.2017 at about 8 o'clock F.I.R. named accused persons including the petitioner was ploughing the field of the informant. Informant's father, mother and aunt made protest then co-accused Meena Devi and Pawo Devi armed with Axe surrounded her mother and abused her with filthy word and denied her claim over the land and then both of them gave Axe blow on her head and then her mother raised alarm for her rescue and then fell down on the earth.



Her father tried to pacify the matter, petitioner and son-in-law of co-accused Meena Devi gave indiscriminate Axe blow repeatedly. Her aunt came there for rescue she was also assaulted by daughter of Meena Devi and her Samdhi Amar Nath Rai with rod. Co-accused Rekha Devi and Babita was also equipped with rod and Radhe Rai with Axe and they were shouting that kill entire family. They assaulted some of the injured persons indiscriminately. In course of treatment, her father died.

It has been submitted by learned counsel for the petitioner that the petitioner has got no criminal antecedent. Charge sheet has been submitted in the present case. There is no allegation of tampering with the witnesses alleged against the petitioner. The petitioner has falsely been implicated in the present case due to property dispute. There is case and counter case between the parties. Injury on the petitioner's side has not been explained by the prosecution.

On behalf of the learned counsel for the State, it has been submitted that the petitioner is named in the F.I.R. Petitioner and other co-accused Amar Nath Rai are alleged to have assaulted the deceased with Axe. Postmortem report also supports the allegation made in the FIR.

Considering the aforesaid facts and circumstances, I



am not inclined to grant bail to the petitioner. The same is rejected in connection with Chandramandi P.S. Case No. 66/2017, pending in the court of learned Additional Sessions Judge-2nd, Jamui.

The court below is directed to take all necessary steps to expedite the trial.

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(Sudhir Singh, J)

