

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.68119 of 2018

Arising Out of PS. Case No.-157 Year-2018 Thana- TEKARI District- Gaya

Md. Sarfaraj son of Mohiuddin Mian @ Monouddin Mian, Resident of
Village- Laxmipur, P.S. Belaganj, District- Gaya, Bihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sudha Chandra

For the Opposite Party/s : Mr. Akbar Ali

CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA

ORAL ORDER

4 17-12-2018 Heard learned counsel for the petitioner and the
learned APP for the State.

The petitioner seeks bail in Tekari (Panchananpur
O.P.) P.S. case no. 157 of 2018 instituted for the offence under
Section(s) 302/34 of the Indian Penal Code.

In the written report, it is alleged that on the date of
occurrence Md. Aftab assaulted the brother of the informant
with *tangi* on his head. It is further alleged that co accused Md.
Sahdam fired with pistol on the head of the brother of the
informant. It is further alleged that co accused Mohd. Sarfaraz ,
Mohd. Shamshad and Mohd. Zakir put Gamcha around the
neck of the brother of the informant on account of which he
died.

Learned counsel for the State has submitted that



doctor has found several injuries on the person of the deceased. The death has been caused due to Asphyxia as a result of pressure of neck by ligature i.e. strangulation. The informant has given his further statement in para 7 of the case diary, wherein, he has levelled specific allegation against this petitioner of strangulating the neck of his brother by putting gamcha which also get support from postmortem report.

Therefore, this Court is not inclined to grant bail to the petitioner at this stage. The prayer for bail of petitioner stands rejected.

The trial Court is directed to expedite the trial and make efforts to conclude the same as early as possible preferably within a period of six months from the date of receipt of copy of this order .

Petitioner may renew his prayer for bail in the event trial is not concluded within the aforesaid period.

(Sanjay Priya, J)

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