

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.53024 of 2017

Arising Out of PS. Case No.-45 Year-2014 Thana- SONEPUR District- Saran

Sukhal Rai, Son of Late Kishun Rai, Resident of Village- Kalyanpur, Police Station- Sonapur, District- Saran (Chapra).

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Kumar Tiwary

For the Opposite Party/s : Mr. Humayou Ahmad Khan

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

3 31-10-2018 Heard learned counsel for the parties.

The petitioner has renewed his prayer for bail in a case registered for the offences punishable under Sections 341,323,324,325,337,307 and 504 of the IPC. Subsequently, Section 302 of the IPC was added.

The prosecution case as per the fardbeyan of Nibha Devi, recorded by the ASI Dinesh Mahto of Agamkuan Police station on 6.2.2014 at 6.30 P.M. is to the effect that on the same day at 1.00 P.M., a new house was being constructed and the husband of the informant, namely, Supan Rai and her son, namely, Sonu Kumar were supervising the construction work. In the meantime, the agnates of the petitioner Sukhal Rai, co-accused Suresh Rai, Reena Devi and Balister Rai (co-villager) came and forbade the mason and labourer from construction work and started abusing and



assaulting them. On protest being made by the informant's husband, co-accused Suresh Rai assaulted the husband of the informant with iron rod, as a result, he fell down after receiving cut and bleeding injury on the head. The petitioner Sukhal Rai lifted the son of the informant and threw him on the heap of bricks and bamboo, due to which he became unconscious and his two teeth got uprooted. It is further alleged that the co-accused Reena Devi came and assaulted with brick on the entire body of the informant's son. When the informant went to rescue her husband and son, co-accused Barister Rai pushed the informant on the stack of bricks, as a result, she received sprain injury on her leg. Thereafter, when Hardeo Rai, the cousin father-in-law of the informant came to rescue, then co-accused Reena Devi tried to throttle him. The son and the husband of the informant were taken to hospital. Subsequently, the son of the informant, namely, Sonu Kumar succumbed to the injuries.

Considering the specific accusation of assault against the petitioner to the victim Sonu Kumar, this Court vide order dated 12.1.2015 passed in Cr. Misc. No. 33299 of 2014 and order dated 23.11.2016 passed in Cr. Misc. No. 43498 of 2015, as contained in Annexure 1 series, twice rejected the petitioner's prayer for bail.

A report was called for vide order dated 24.1.2018, with



regard to the stage of the trial. From the report dated 30.1.2018 of the learned Additional Sessions Judge – VIII, Saran at Chapra, it appears that all the chargesheet witnesses, including the doctor and the I.O. have been examined. However, the report further reflects that last date for prosecution evidence was fixed as 7.2.2018 and the trial was likely to be concluded within three months.

Learned counsel for the petitioner has no latest instruction about the stage of trial.

Considering the fact that in January, 2018, the trial was likely to be concluded within a period of three months, this Court is not inclined to grant bail to the petitioner in connection with Sonapur P. S. Case No. 45 of 2014 (S.T. No. 340 of 2015). This application is accordingly dismissed.

However, if the trial has not already concluded, it is imperative on the part of the learned trial court to conclude the same within a period of four weeks from the date of receipt/production of a copy of this order.

(Dinesh Kumar Singh, J)

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