

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.51438 of 2018

Arising Out of PS.Case No. -67 Year- 2018 Thana -CHANPATIA District-
WESTCHAMPARAN(BETTIAH)

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1. Dhurendra @ Dinesh Soni @ Dinesh Kumar S/o Sri Shambhu Soni, R/o
Vill.- Chanpatia, Ward No. 1, Dhath Chowk, P.S.- Chanpatia, District- West
Champaran.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Umesh Chandra Verma, Adv.
For the Opposite Party/s	:	Smt Indu Kumari Srivastava, APP
For the Informant	:	Mr. Sanjay Kumar No.7, Adv. Mr. Anant Kumar Mishra, Adv.

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

3 31-10-2018 The petitioner is in custody since 09.05.2018 in
connection with Chanpatia P.S. Case No. 67 of 2018, registered
for offences punishable under Sections 302, 323/34 of the Indian
Penal Code.

Allegation against the petitioner is of assault by lathi
on back portion of head to the deceased due to which he
succumbed to the injury.

Submission of learned counsel for the petitioner is that
there was land dispute and previous enmity between the parties
and deceased died in some other manner and only to take
advantage of the situation, this present false case has been filed.



Further submission is that there is delay in lodging the F.I.R. and the petitioner has no criminal antecedents and he is in judicial custody since 09.05.2018.

Heard learned A.P.P. as well as learned counsel for the informant, they have opposed the prayer for bail of the petitioner stating that the direct allegation of assault is against the petitioner on the head, which is a vital part of the body and post mortem report also shows that the death occurred due to head injury.

Having heard both sides and considering the aforementioned facts and circumstances, I am not inclined to grant bail to the petitioner. Accordingly, this application is dismissed.

However, learned Trial Court is directed to expedite the commitment of the case as well as the trial of the case.

(Vinod Kumar Sinha, J)

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