

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2298 of 2019

Arising Out of PS. Case No.-294 Year-2017 Thana- KHIJARSARAI District- Gaya

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Ganauri Das, aged about 40 years, Male, S/O Late Ram Jatan Das, Resident of village- Nagri yaman, P.S.- Khizersarai, District – Gaya.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner	:	Mr. Krishna Prasad Singh, Sr. Advocate and Mr. Saket Kumar Singh, Advocates.
For the Opposite Party	:	Mr.Mohammed Arif, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

10 09-04-2019 Heard learned counsel for the petitioner and learned A.P.P. for the State.

The petitioner is languishing in custody since 02.08.2018 in a case for the offence registered under Sections 302, 307, 341, 323, 325, 147, 148, 149 of the IPC.

The prosecution story, in brief, is that on 13.10.2017 informant's Dewar asked his neighbour and agnate to remove the clothes from his wall kept for drying as the agnates on earlier occasion has removed their electric connection and also because they have old enmity due to partition. Due to this reason, eight named accused including the petitioner came to their house variously armed and assaulted informant's Dewar, mother-in-law, Munarik Das and the informant by Iron rod on



his head. Co-accused Chhotu, Akshay and Monu assaulted with Lathi to informant and others. Informant's husband Munarik Das was referred to P.M.C.H., Patna, where he died during course of treatment.

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. There is case and counter case between the parties. The alleged occurrence is said to have taken place due to petty reason.

On behalf of the learned counsel for the State, it has been submitted that the petitioner is named in the F.I.R. There is specific allegation of giving Lathi blow. The postmortem report also supports the allegation made in the F.I.R.

Considering the aforesaid facts and circumstances, I am not inclined to grant bail to the petitioner. The same is rejected in connection with Sessions Trial No. 120/2018, arising out of Khizersarai P.S. Case No. 294 of 2017, pending in the court of learned Additional Sessions Judge-IV, Gaya.

The court below is directed to take all necessary steps to conclude the trial preferably within a period of nine



months from the date of receipt/production of copy of this order.

The District Magistrate, Gaya and the Superintendent of Police, Gaya, are also directed to ensure that the prosecution witnesses are produced in the court below on the date fixed by the court below so that the trial could be concluded within the stipulated period.

Let a copy of this order be communicated to the District Magistrate, Gaya and the Superintendent of Police, Gaya.

(Sudhir Singh, J)

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