

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10357 of 2019

Arising Out of PS. Case No.-446 Year-2017 Thana- MOTIHARI TOWN District- East
Champaran

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PRABHAT KUMAR TIWARI, aged about 28 years (Male), Son of Nagendra
Tiwari @ Prushottam Tiwari, Resident of Village - Akauna Chandmari, P.S.-
Motihari Nagar, Dist- East Champaran.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner : Mr.Sanjay Kumar Pandey, Advocate.
For the Opposite Party : Mr.Binod Kumar, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 30-04-2019 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner is languishing in custody since
01.12.2018 in a case for the offence registered under Sections
341,323, 325, 307/34 of the IPC. Later on, Section 302 of the
I.P.C. was also added.

The prosecution story, in brief, is that on 21.06.2017
at 8.00 A.M. when the informant was in her house, her in-laws
started abusing her and on protest, Prabhat Kumar Tiwary
(petitioner) assaulted her son aged about 03 years with rod on
back side of his head. When she went to rescue him, she was
also assaulted by co-accused Nagendra Tiwari @ Puroshottam
Tiwari on her head with Farsa blow causing deep injury on her



head. When her two daughters came, accused also assaulted them by rod and weapons. The injured were admitted and treated in Mani Hospital, Bariyarpur, Motihari and from where her son was referred to Sadar Hospital, Motihari and thereafter to Patna. During course of treatment, her son (Golten) died on 22.06.2017 at Patna.

It has been submitted by learned counsel for the petitioner that the petitioner has falsely been implicated in the present case. Charge sheet has been submitted in the present case. There is no allegation of tampering with the witnesses alleged against the petitioner. Due to petty family dispute, the alleged occurrence is said to have taken place. Both parties are agnates.

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 assault against the petitioner which led to death of the child of the informant.

Considering the same, I am not inclined to grant bail to the petitioner. The same is rejected in connection with Motihari Town P.S. Case No. 446 of 2017, pending in the court of learned C.J.M. East Champaran at Motihari.

The court below is directed to take all necessary steps



to conclude the trial preferably within a period of one year from the date of receipt/production of copy of this order.

The District Magistrate, East Champaran at Motihari and the Superintendent of Police, East Champaran at Motihari, 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, East Champaran at Motihari and the Superintendent of Police, East Champaran at Motihari.

(Sudhir Singh, J)

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