

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19115 of 2019**

Arising Out of PS. Case No.-60 Year-2015 Thana- AURAI District- Muzaffarpur

Suresh Sah, Son of Late Mahabir Sah Resident of Village- Basua, Pachhiyari
tola, P.S.- Aurai, District- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Prabhakar Nath Rai

For the Opposite Party/s : Mr.Dr. Ajeet Kumar

**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER**

2 01-04-2019 Heard learned counsels for the petitioner and the
State.

The petitioner is languishing in custody since 16.04.2015
in a case registered for the offences punishable under Sections
341, 342, 324, 307, 302 and 504 of the IPC.

The prosecution case, as per the written report of Shanti
Devi, dated 16.04.2015 submitted to the Station House Officer,
Aurai Police Station, is to the effect that on the same day, the
petitioner entered into the house of one Renu Devi and assaulted
on her head with axe and when Tara Devi came to rescue her,
the petitioner also chased her, though she fled away to her
house, but the petitioner chased her and assaulted on her head
with axe. Subsequently, both the injured were taken to the
hospital, where Tara Devi succumbed to the injuries.



It is submitted by learned counsel for the petitioner that medical report of the petitioner issued by Central Jail, Muzaffarpur has been brought on record, which suggests that the petitioner is suffering from psychiatric disorder and he had been under treatment, hence the petitioner deserves sympathy for consideration of bail.

Learned APP submits that the petitioner is named in the FIR with specific accusation.

Considering the fact that Chapter XXV of the Cr. P.C. stipulates the provision as to accused persons of unsound mind. Section 328 of the Cr. P.C. deals with the procedure in case of accused being lunatic, whereas Section 329 of the Cr. P.C. deals with the procedure in case of person of unsound mind tried before Court, and there is nothing on record to suggest that the provisions of Chapter XXV of the Cr. P.C. has been resorted to by the petitioner, hence, this Court is not inclined to grant bail to the petitioner.

Accordingly, the prayer for bail of the petitioner is rejected in connection with Aurai P.S. Case No. 60 of 2015, pending in the Court of learned Sessions Judge, Muzaffarpur.

However, learned counsel for the petitioner submits that the petitioner has filed a petition before the learned Court



below taking plea of the petitioner being lunatic, it is expected from the learned Court below to decide the issue expeditiously in accordance with the provisions prescribed under law.

(Dinesh Kumar Singh, J)

Amrendra/-

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