

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20325 of 2019**

Arising Out of PS. Case No.-113 Year-2018 Thana- GAUTAMBUDHNAGAR District-
Siwan

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Asharfilal @ Asharfi Saroj S/o Suraj Pal Saroj R/o of Village - Rampur, P.S.-
Charwa, District - Kaushambi (U.P.).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ajay Kumar Pandey

For the Opposite Party/s : Mr.Pradeep Narain Kumar

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

5 09-08-2019 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner seeks bail in G.B. Nagar P.S. case
No.113 of 2018 registered under Sections 341, 323, 307, 504,
506, 302 of the Indian Penal Code, pending in the court of
C.J.M., Siwan

Allegation is that the petitioner gave iron rod blow
upon the neck of Lawlesh, as a result of which he fell down and
became unconscious. He was taken to the Hospital for treatment
and during treatment he died.

It has been submitted on behalf of the petitioner that
the petitioner is in custody since 28.08.2018 and has got no
criminal antecedent. Charge sheet has been submitted in this



case. There is no allegation of tampering of witnesses alleged against the petitioner. The petitioner is alleged to have given single iron rod blow on the neck of the deceased. At best it is a case for an offence under Section 304 of I.P.C. No offence under Section 302 of I.P.C. is made out. The alleged incident is said to have taken place in a spur of moment. The petitioner had no intention to commit murder. The petitioner is handicapped.

On behalf of the State, it is submitted that the petitioner is named in the F.I.R. He is the sole assailant. Specific allegation of assault is there. There is injury found on the head. The injury is said to be fatal injury, which led to death of the deceased.

Considering the nature of accusation, I am not inclined to grant bail to the petitioner. The same is rejected.

The Trial Court 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 a copy of this order.

(Sudhir Singh, J)

Narendra/-

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