

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19364 of 2019

Arising Out of PS. Case No.-166 Year-2018 Thana- MADANPUR District- Aurangabad

Sanjeet Bhuiyan @ Sanjeet Kumar S/o Ram Raj Bhuiyan Resident of Village-
Sone Dih Bigha, Sonapur, P.S.-Madanpur, District-Aurangabad (Bihar)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Lal Bahadur Singh

For the Opposite Party/s : Mr.Ram Priya Sharan Singh

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

4 09-08-2019 Heard learned counsel for the petitioner and learned APP
for the State.

The petitioner seeks bail in Madanpur P.S. case No.166 of
2018 registered under Sections 302/34 of the Indian Penal Code,
pending in the court of C.J.M., Aurangabad.

Allegation is that on the order of co-accused Ajit Bhuiyan,
petitioner assaulted the husband of the informant by means of stone
on his head, due to which he received head injuries and fell down and
in course of treatment he died.

It has been submitted on behalf of the petitioner that the
petitioner is in custody since 26.07.2018 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 occurrence is said to have taken place on 28.06.2018, whereas
F.I.R. was instituted on 11.07.2018. Delay has not been explained by
the prosecution. In paragraph 50 of the case diary, the witness has



stated that the deceased was in drunken state and he fell down, due to which he sustained injury and succumbed to death. Even assuming the allegation to be true, 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.

On behalf of the State, it is submitted that the petitioner is named in the F.I.R. The informant is an eye witness to the occurrence. Other witnesses in course of investigation have also supported the case of the prosecution. The petitioner is alleged to have given blow by silpatta on the head of the deceased. Same is on the vital part of the body. Said injury 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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