

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17400 of 2019

Arising Out of PS. Case No.-60 Year-2018 Thana- ROH District- Nawada

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BIRU PRASAD @ BIRENDRA PRASAD @ BIRENDRA KUSHWAHA
Son of Late Bali Mahto, Resident of Village-Bajwara, P.S-Roh, District-
Nawada.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Lakshmi Kant Sharma

For the Opposite Party/s : Mr.Sunil Kumar Pandey

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

5 30-07-2019 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner seeks bail in a case instituted for the offences under Sections 341, 323, 307, 504/34 of the Indian Penal Code in which section 302 IPC was added later on.

The prosecution case in short is that the accused persons assaulted the elder brother-in-law of the informant due to which he sustained injury and later succumbed to the injury.

It has been submitted on behalf of the petitioner that the petitioner is in custody since 26.9.2018 and has got no criminal antecedent. There is no allegation of tampering of witnesses alleged against the petitioner. Charge-sheet has been submitted in the present case. The alleged occurrence is said to



have taken place at 3 a.m. in the morning. There is no source of identification. The informant does not appear to be eye witness to the alleged occurrence.

On behalf of the State, it is submitted that the petitioner is named in the F.I.R. Specific allegation is that the petitioner assaulted the deceased by tangi on his head. The post-mortem report corroborates with the allegations made in the F.I.R.

Considering the same, I am not inclined to grant bail to the petitioner in connection with Roh P.S. Case No. 60 of 2018. The same is rejected. The Trial Court is directed to conclude the trial at the earliest preferably within nine months from the date of receipt/production of a copy of this order.

(Sudhir Singh, J)

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