

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19320 of 2019**

Arising Out of PS. Case No.-578 Year-2017 Thana- AMARPUR District- Banka

JATAN TANTI, aged about 34 years, Son of Late Sardari Tandi, Resident of Village - Dumariya, P.S.- Amarpur, Distt.- Banka.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr.Brij Nandad Prasad, Advocate.
For the Opposite Party : Mr. C. Jawahar, A.P.P.

**CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER**

5 13-08-2019 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner is languishing in custody since 06.12.2017 in a case for the offence registered under Sections 302/34 of the IPC.

The prosecution story, in brief, is that on 18.11.2017 at 11.00 P.M., the petitioner alongwith other co-accused persons were abusing the informant's wife Archna Devi upon which, it is said that the informant asked as to why they were abusing to his wife. Then the petitioner and others brutally assaulted on her head due to which, she fell down. Further, the petitioner and other co-accused persons surrounded the informant's wife and assaulted. The injured wife of the informant was brought to Referral Hospital Amarpur where she died during the course of treatment.



It has been submitted on behalf of the petitioner that the petitioner has got no criminal antecedent. Charge sheet has been submitted in the present case. There is no allegation of tampering with the witness alleged against the petitioner. The petitioner has falsely been implicated in the present case due to previous enmity. There is no substantive evidence to suggest the implication of the petitioner in the present case.

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 alleged against the petitioner. The deceased had succumbed to the said injuries. The postmortem report also corroborates the allegation made in the F.I.R.

Considering the aforesaid facts and circumstances, I am not inclined to grant bail to the petitioner. The same is rejected in connection with Sessions Trial No. 17 of 2019, arising out of Amarpur P.S. Case No. 578 of 2017, pending in the court of learned Additional Sessions Judge-III, Banka.

Learned court below is directed to take all necessary steps to expedite the trial of the petitioner.

(Sudhir Singh, J)

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