

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22809 of 2019

Arising Out of PS. Case No.-250 Year-2017 Thana- KURSAKANTA District- Araria

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DHRUV KUMAR VERMA Son of Late Maksudan Lal Das Resident of
Village - Madhubani Manjhali Chauk, P.s.- and Distt.- Purnea.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Y.V. Giri, Sr. Advocate Mr. Pranav Kumar, Advocate
For the Opposite Party/s	:	Mr. Khurshid Anwar, APP

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CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

3 05-08-2019 Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner is in custody since 16.08.2018 in
connection with Kursakanta P.S. Case No. 250 of 2017 for the
offence registered under Sections 147, 148, 149, 341, 323, 325,
307, 504 & 302 of the Indian Penal Code.

Learned Senior Counsel for the petitioner submits that
there was previous land dispute between the parties which
stands recorded in the case diary as well as several documents
which have been brought on record. He further submits that
only in order to implicate the present petitioner in whose favour
there was an order with regard to the dispute of the land, the
informant has named the petitioner as well as his entire family



members in connection with the present case. He further submits that save and except the allegation against the petitioner of having attacked with a bamboo stick on the head of the deceased, there has been no repetition of blows and the post-mortem report indicates only a single injury. The entire case is concocted and motivated only to wreck *vengeance* against the petitioner, who was succeeded in the land dispute.

Diary of the present case was earlier called for which has since been received.

Learned counsel for the State, after perusal of the case diary, submits that not only the informant but also the other witnesses are also corroborating the story of the informant and the deceased has suffered multiple hametoma injuries on his head, which led to his death. He thus, submits that since there is specific allegation of attack against the petitioner, he is not entitled to the privilege of bail.

Having heard learned Senior counsel for the petitioner and learned counsel for the State and on perusal of the case diary and the materials which have come on record, it appears that the petitioner had attacked the deceased on several occasions and, therefore, he being the sole person, who had committed the overt act, is not entitled to the privilege of bail. It



is, accordingly, rejected.

However, the Court below is directed to proceed expeditiously in the process of commitment and framing of charges. The trial of the case, however, may be expedited so as to conclude positively within a period of one year.

(Anjana Mishra, J)

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