

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23737 of 2019

Arising Out of PS. Case No.-19 Year-2017 Thana- BHADHWAR District- Gaya

JAMUNA BASFOR @ JAMUAN BASFOR S/o Late Chandradeo Basfor R/o
village- Beni Nagar, P.S.- Bhadwar, District- Gaya

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Gajendra Kumar Singh
For the Opposite Party/s : Mr.Ram Sumiran Rai

CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

5 08-07-2019 Heard learned counsel for the petitioner and the

State.

The petitioner seeks bail in **Bhadwar P.S. Case No. 19 of 2017**, instituted for the offence under Section(s) 302/34 of Indian Penal Code.

It is alleged in the written report that on the date of occurrence Surendra Basfor (since deceased) was having altercation with his mother. The mother assaulted him with *danda* which was lying near the cot (*Khatia*) on his head causing injury to him. It is further alleged that her two other sons namely, Ganga Basfor and Jamuna Basfor (petitioner) also assaulted on the head of Surendra Basfor, on account of which, he fell down on the ground causing bleeding injury and died.

Case diary has been received.



Counsel for the informant has appeared and submitted that independent witness in paragraph-12 of the case diary has supported the case and has stated that petitioner along with his mother and another brothers have assaulted the deceased with *lathi, danda*, etc. on account of which, he died. The other witnesses have also supported the case of assaulting the deceased by the petitioner, his mother and other brothers.

Post mortem report is available in the case diary wherein the Doctor has found several injuries on the head of the deceased caused by hard and blunt substance.

Counsel for the petitioner submits that mother of the deceased has already been granted bail by coordinate Bench of this Court vide order dated 5.9.2018 passed in Cr. Misc. 31330 of 2018.

From perusal of the aforesaid order it appears that the materials available in the case diary was not brought to the notice of this Hon'ble Court during course of granting bail to mother of the deceased.

In view of direct allegation against the petitioner, this Court is not inclined to grant bail to the petitioner.

Prayer of the petitioner for grant of bail stands rejected.



Counsel for the petitioner submits that petitioner is
in custody since 4.9.2018.

The trial court is directed to expedite the trial and
make efforts to conclude the trial as early as possible preferably
within a period of nine months from the date of receipt of copy
of this order.

(Sanjay Priya, J)

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