

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31521 of 2019

Arising Out of PS. Case No.-190 Year-2018 Thana- MADANPUR District- Aurangabad

GOBARDHAN DAS Son of Deoki Das Resident of Village - Baniya, P.S.-
Madanpur, District - Aurangabad

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjay Kumar

For the Opposite Party/s : Dr. Indihar Kumari

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

5 24-09-2019 Heard learned counsel for the petitioner and learned APP
for the State.

The petitioner seeks bail in Madanpur P.S. case No.190 of
2018 registered under Sections 302/34 of Indian Penal Code, pending
in the court of C.J.M., Aurangabad.

Allegation is that the accused persons including the
petitioner assaulted the father of the informant with tangi and danda
and petitioner had given a tangi blow on the head of informant's
father, due to which he sustained severe injury and he was taken to
the Hospital, where the doctor declared him dead.

It has been submitted on behalf of the petitioner that the
petitioner is in custody since 16.08.2018 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 petitioner has falsely been implicated in this case. The
independent witnesses, who have been examined in course of



investigation, have given a different version of the prosecution case. They have not named the petitioner. On the information of the said independent witnesses, the informant had come to the P.O.

On behalf of the State, it is submitted that the petitioner is named in the F.I.R. There is specific allegation against him for assaulting the deceased with a tangi. The postmortem report also corroborates with the allegations made in the F.I.R. The informant is an eye witness to the alleged occurrence. The children of the informant are also eye witness to the occurrence, whose statements have been recorded in paragraphs 10 and 11 of the case diary. As per the statements, the petitioner is the assailant.

Considering the aforesaid facts and circumstances, 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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