

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.70070 of 2018

Arising Out of PS. Case No.-191 Year-2018 Thana- UCHKAGAON District- Gopalganj

Daya Ram Prasad, Son of Banika Yadav, Resident of village- Gurumha, P.S.-
Uchkagaon, District- Gopalganj.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Dhramveer
For the informant	:	Mr. Milind Kumar Mishra
For the Opposite Party/s	:	Mr. Sri Ajay Kumar -2

CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

4 19-02-2019 Heard learned counsel for the petitioner, learned APP
for the State and learned counsel for informant.

The petitioner seeks bail in Uchkagaon P. S. Case
No. 191 of 2018 instituted for the offence under Section(s)
302/34 of the Indian Penal Code.

In the written report, it is alleged that on the date of
occurrence the younger brother of informant was playing card
in the orchard. The petitioner along with co-accused Kapuri
Prasad came to the orchard and abused the younger brother of
informant and raised objection of playing card. When brother
of the informant did not agree then they assaulted him with lathi
and bamboo on the head. They also took him on the mango tree
and dashed his head with the mango tree on account of which he



became injured. He was brought to the hospital for treatment and he died while he was being taken for better treatment.

Case diary has been received, wherein, the postmortem report of the deceased is available. Postmortem report shows that the death has occurred due to head injury caused by hard blunt heavy substance. The doctor has found injury on the head of the deceased.

Learned counsel for petitioner submits that statement of nephew of the deceased has been recorded in paragraph no. 44 of the case diary, wherein, he has levelled allegation against co-accused Kapuri Prasad of dashing the head of the brother of the informant with Mango tree.

Learned counsel(s) for the informant and State submit that in paragraph no. 45 one of the eye witness has stated that petitioner has assaulted the brother of the informant. They also submit that in paragraph no.44 of the case diary also it is mentioned that this petitioner has assaulted the brother of the informant. The informant has claimed himself to be an eye witness having seen the occurrence.

Therefore, this Court is not inclined to grant bail to the petitioner at this stage. The prayer for bail of the petitioner stands rejected.



Trial Court is directed to expedite the trial and make efforts to conclude the same as early as possible preferably within a period of six months from the date of receipt of copy of this order.

Petitioner may renew his prayer for bail if no substantial progress is made in the trial within the aforesaid period.

(Sanjay Priya, J)

Shyambihari/-

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