

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.80318 of 2018

Arising Out of PS. Case No.-265 Year-2015 Thana- MUFFASIL District- West Champaran

Chhathu Bin, S/o Rudal Bin, R/o Village- Rani Pakadi Tola, Auraiya, P.S.-
Bettiah Muffasil, District- West Champaran.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr.Bimlesh Kumar Pandey, Advocate.
For the Opposite Party : Mr. Dinesh Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 06-03-2019 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner is languishing in custody since 24.05.2015 in connection with Bettiah (Muffasil) P.S. Case No. 265 of 2015 for the offence registered under Sections 147, 148, 149, 448, 323, 324, 325, 307, 302 and 504 of the IPC.

The prosecution story, in brief, is that on 22.05.2015 at about 5.00 P.M. while the brothers of the informant, Jitendra Bin and Fulena Bin were constructing house under Indira Awas, the petitioner including co-accused persons having armed with deadly weapons came there and started damaging the said house. When the brother of the informant made protest upon which the accused persons abused him. It is further alleged that the petitioner gave Iron rod blow causing injury on the head of



Jitendra Bin, as a result of which, he fell down. Co-accused Chandra Kishore Bin and Ram Bali Bin gave rod and Lathi blow causing injury on the head of Fulena Bin on account of which, he also fell down. When on alarm, mother of the informant came for rescue, co-accused Harishchandra Bin and Madan Bin assaulted the informant and his mother with Lathi causing fracture injury near the wrist of the right hand of the informant and his mother also sustained injury on the back. Then, injured persons were taken to M.J.K. Hospital, Bettiah, for treatment and in course thereof, the brother of the informant Jitendra Bin died.

Earlier the bail application of the petitioner was rejected vide Cr. Misc. No. 17675 of 2016 order dated 21.07.2016 taking into account that the petitioner was assailant.

This is second attempt for grant of bail on behalf of the petitioner.

A report was called for from the learned court below. It has been reported that the trial is expected to be concluded within a period of four months.

Considering the accusation and the stage of the case, I am not inclined to grant bail to the petitioner. The same is rejected in connection with Sessions Trial No. 440 of 2015



(arising out of Bettiah Muffasil P.S. Case No. 265 of 2015),
pending in the court of learned Additional District and Sessions
Judge-Ist, Bettiah, West Champaran.

Anyhow, the learned court below is directed to take
all necessary steps to conclude the trial preferably within a
period of five months from the date of receipt/production of a
copy of this order.

(Sudhir Singh, J)

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