

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.73177 of 2018

Arising Out of PS. Case No.-128 Year-2018 Thana- LAURIA District- West Champaran

Azad Mian, S/o late Nazri Mian, resident of village- Telpur, Ward No. 7, P.S.
Lauriya, District- West Champaran.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Sanjeev Kumar, Advocate
For the Opposite Party/s	:	Mr. Bal Mukund Prasad Sinha, APP
For the informant	:	Mr. Md. Anis Akhtar, Advocate

CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

4/ 21-02-2019 Heard learned counsel for the petitioner and learned
APP for the State as well as counsel for the informant.

Petitioner seeks bail in **Lauriya P.S. Case No.128 of
2018** instituted for the offence under Section(s) 302/34 Indian
Penal Code pending in the Court of the **Chief Judicial
Magistrate, Bettiah, West Champaran.**

It is alleged in the written report that on the date of
occurrence when father of the informant was cleaning drainage,
co-accused, Nesar Mian, assaulted him with knife over neck. It
is further alleged that petitioner assaulted the father of informant
with knife over thigh and scrotum. It is further alleged that
informant tried to save his father, then accused Sarfaraz Mian
and Yasin Mian assaulted him with lathi.



Counsel for the petitioner submits that there is counter case lodged by Yasin Mian, full brother of petitioner, which has been enclosed as Annexure-2, wherein, it is alleged that this petitioner has sustained three stab injuries caused by the informant. The informant has named this petitioner in the instant case only to save himself from the allegation levelled in the counter case.

Counsel for the informant submits that postmortem report fully corroborates the allegation against the petitioner as doctor has found Injury No.2 in the postmortem report to be incised wound of size 2" x 1" on left side of scrotum out of which one testicle came out. One incised wound has been found on neck of the deceased. Cause of death has been opined to be aforesaid injuries.

It is further submitted that instant occurrence is said to have taken place at 6.00 PM on 23.05.2018, whereas, counter case has been lodged stating that occurrence has taken place at 6.15 PM on the same day. There is specific allegation of overt act against this petitioner in the instant case.

In such circumstances, this Court is not inclined to enlarge the petitioner on bail.

Prayer of the petitioner for grant of bail is **rejected at**



this stage.

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

Liberty is given to the petitioner to renew his prayer for bail after nine months, if no substantive progress is made in the trial.

(Sanjay Priya, J)

J. Alam/-

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