

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1386 of 2019

Arising Out of PS. Case No.-99 Year-2017 Thana- BHELDI District- Saran

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Nagendra Singh, S/O Late Mohar Singh, R/V- Ramchak, P.S. Bheldi, District- Saran.

... .. Petitioner

Versus

The State Of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner : Mr. Anant Kumar Bhaskar, Advocate.
For the Opposite Party : Mr. Ram Sumiran Roy, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

4 22-04-2019 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner is languishing in custody since 15.03.2018 in a case for the offence registered under Sections 147, 149, 188, 341, 323, 324, 307, 302 and 504 of the IPC.

The prosecution story, in brief, is that on 03.07.17 in the morning, the informant Mukesh Kumar and his brother Vikash Kumar were coming from market. They saw that a person was ploughing their field which was in his possession from 27 years before and Section 144 Cr. P.C. was ordered to be implemented on that land. The person told that Lalu Singh has directed him to plough this land. The informant stopped him to plough the field, in the meantime, this petitioner Nagendra Singh alongwith five other named accused persons who were



hiding themselves having arms at their hands came there and started assaulting to the informant. When the brother of the informant namely, Vikash Kumar tried to save him, all the accused persons told to kill him and all of them caught his brother and pushed him down. Allegation against this petitioner Nagendra Singh is that he has assaulted with spade on the head of the brother of the informant due to which his head was cut in deep. The accused persons also displayed gun. On hearing the sound, villagers came there and the accused persons fled away from there. They took the injured to the Garkha PHC for treatment from there he was referred to P.M.C.H. and during the course of treatment, the injured died.

It has been submitted by learned counsel for the petitioner that the petitioner has got no criminal antecedent. Charge sheet has been submitted in the present case. There is no allegation of tampering with the witnesses alleged against the petitioner. The petitioner has falsely been implicated in the present case. There is admitted land dispute between the parties. There is case and counter case between the parties. Injury on the said of accused has not been explained by the prosecution.

On behalf of the learned counsel for the State, it has been submitted that the petitioner is named in the F.I.R. He is



alleged to have given Spade blow on the head of the deceased.
The postmortem report also corroborates the allegation made in
the F.I.R.

Considering the aforesaid facts and circumstances, I
am not inclined to grant bail to the petitioner. The same is
rejected in connection with Bheldi P.S. Case No. 99/2017,
pending in the court of learned A.C.J.M.-XII, Saran at Chapra.

The court below is directed to take all necessary steps
to conclude the trial preferably within a period of one year from
the date of receipt/production of copy of this order.

The District Magistrate, Saran at Chapra and the
Superintendent of Police, Saran at Chapra, are also directed to
ensure that the prosecution witnesses are produced in the court
below on the date fixed by the court below so that the trial could
be concluded within the stipulated period.

Let a copy of this order be communicated to the
District Magistrate, Saran at Chapra and the Superintendent of
Police, Saran at Chapra.

(Sudhir Singh, J)

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