

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.66509 of 2018

Arising Out of PS. Case No.-129 Year-2015 Thana- MOTIPUR District- Muzaffarpur

Ram Sagar Ram, Son of Late Kaul Ram, Resident of Village- Sindhuari Ganj
Singh, P.S.- Motipur, Dist- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. S. Jamil Akhtar, Adv.

For the Opposite Party/s : Mr. Sadanand Paswan, APP

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

5 03-01-2019 Heard learned counsels for the petitioner, informant
and learned APP for the State.

The petitioner is languishing in custody since 08.05.2018 in a case registered for the offences punishable under Sections 147/148/149/341/342/379/324/307/302 of the Indian Penal Code and Sections 3(1)(x) and 3(2) (v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, wherein, subsequently charge-sheet was submitted vide Charge-Sheet No.219 of 2018 dated 01.07.2018 finding the case to be true only for offences punishable under the Indian Penal Code.

The prosecution case got initiated on the Fardbeyan of Parwati Devi, recorded by ASI Muni Ji Singh of Motipur Police Station on 02.06.2015 at 11.15 AM at Emergency Ward, SKMCH to the effect that on 01.06.2015 at 9.00 P.M., the husband of the informant, namely, Shyam Dev Rai was at his



door when the accused persons, including the petitioner came and started abusing the informant's husband. On protest being made, on the order of co-accused, Devnanda Prasad Sah, the petitioner assaulted with an axe on the head of the husband of the informant and thereafter other co-accused also assaulted him by fists and slaps. When the sons of the informant namely Om Prakash Kumar and Jai Prakash Kumar came to rescue him, then they were also assaulted by the accused persons. It is further alleged that co-accused, Ram Narayan Prasad Sah took away Rupees One Thousand from the pocket of the husband of the informant. The husband of the informant was first taken to Primary Health Centre, Motipur for providing medical assistance and from where he was referred to SKMCH, Muzaffarpur, where in course of treatment he died.

It is submitted by learned counsel for the petitioner that the petitioner is own brother of the husband of the informant and in the background of land dispute, the accusation has been levelled against the petitioner. However, there is no accusation of repeating the blow, but he admits that the medical opinion corroborates with the accusation. A statement has been made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent.

Learned counsel for the informant submits that the



petitioner is the main assailant and the weapon which has been used for assaulting on the head of the husband of the informant shows that the petitioner had intention to kill the husband of the informant.

Learned APP also supports the contention of learned counsel for the informant.

Considering the accusation of assault with an axe on the head of the husband of the informant which is corroborated by the medical opinion, this Court is not inclined to grant bail to the petitioner for the present.

Accordingly, the prayer for bail of the petitioner in connection with Motipur P.S. Case No. 129/2015, pending before the learned SDJM, West Champaran is rejected.

However, it is expected from the trial Court to expedite the trial.

(Dinesh Kumar Singh, J)

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