

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 21570 of 2020

Arising Out of PS. Case No.- 8 Year- 2020 Thana- Nimachandpura District- Begusarai

Kanhaiya Tanti (Male) aged about 20 years Son of Awadh Tanti, Resident of
Village – Tulsipur, P. S. - Muffasil, District - Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Deepak Kumar, Advocate
For the Opposite Party/s : Mr. Navin Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

03. 20.08.2020 Heard Mr. Deepak Kumar, learned counsel for

the petitioner and Mr. Navin Kumar Pandey, learned APP

for the State.

The petitioner seeks bail in connection with

Nimachandpura P. S. Case No. 8 of 2020, dated

02.02.2020 which has been instituted for the offences

under Sections 302 and 34 of the Indian Penal Code.

It has been alleged in the F.I.R. that the

petitioner and several others assaulted the informant and

his brother leading to the death of the brother of the

informant. So far as the petitioner is concerned, he is



said to have assaulted the deceased by means of *lathi* on his head.

The learned counsel for the petitioner has submitted that the petitioner has falsely been implicated in this case for reasons which are not very explicable to him. However, he submits that there is a consideration delay in lodging the F.I.R.

He has also argued that the post-mortem report discloses only one injury on the parietal region of the deceased whereas the accusation in the F.I.R. is that several persons assaulted the deceased for a number of times.

He therefore submits that there is a huge inconsistency between the ocular and medical testimony in the case.

Apart from this, he has submitted that the motorcycle which was being driven by the deceased was also damaged indicating that the deceased had met with an accident resulting in his death.



Apart from this, the learned counsel for the petitioner has submitted that the petitioner has a bright academic record and has passed his matriculation examination with flying colours.

However, regard being had to the nature of accusation against the petitioner, I am not inclined to grant to him for the present notwithstanding the fact that he is in custody since 13.02.2020.

However, looking at the case from a holistic point of view, this Court directs that if there is no progress in the trial of the petitioner within a period of 9 months, the petitioner would have the liberty to approach this Court again for grant of bail.

The application stands disposed off with the aforesaid observation.

(Ashutosh Kumar, J)

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