

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26940 of 2020

Arising Out of PS. Case No.-254 Year-2019 Thana- RAMGARH District- Kaimur (Bhabua)

GAYA BIND, Son of Jhunjhu Bind Resident of Village - Akhini, P.S. - Nuaon,
District - Kaimur at Bhabua.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rajani Kant Pandey

For the Opposite Party/s : Mr.

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

4 14-12-2020 Heard Mr. Rajni Kant Pandey, learned counsel

for the petitioner; Mr. Dharmendra Kumar Singh,

learned counsel for the informant; and Mr. Ram Priya

Sharan Singh, learned counsel for the State.

The petitioner seeks bail in connection with

Sessions Trial No. 267 of 2019, arising out of Ramgarh

(Nuaon) P. S. Case No. 254 of 2019 dated

18.10.2019, instituted for the offences under Sections

302 of 34 of the Indian Penal Code.

The petitioner and few others are said to have

assaulted the wife of the informant by means of *Lathi* on

her head which led to her death. The post-mortem



report reveals that the deceased died of the assault on her head.

The learned counsel for the petitioner submits that the petitioner as well as the deceased are next door neighbour and he has been made accused in this case because of the past enmity.

Apart from this, it has been submitted that though the first assault is attributed to the petitioner but later other persons are also said to have assaulted the deceased.

Going by the allegation and comparing it with the post-mortem report, it cannot be ascertained at this stage that the petitioner is the author of the fatal injury.

It has further been submitted on behalf of the petitioner that he is in custody since 19.10.2019 and the trial is not expected to be concluded in near future.

However, regard being had to the nature of accusation against the petitioner, I am not inclined to grant bail to him for the present.



The prayer for bail is rejected.

If there is no substantial progress in trial within nine months, the petitioner would be at liberty to approach the trial court for grant of bail. In that event, the trial court would be under an obligation to record the reasons for the tardy progress of trial and shall take the period of custody of the petitioner into account in disposing off the aforesaid bail petition.

(Ashutosh Kumar, J)

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