

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27034 of 2020

Arising Out of PS. Case No.-142 Year-2019 Thana- LAURIA District- West Champaran

MD. MANSFAR DEVAN @ MD. MANSAFAR DEVAN Son of late Ashique
Devan @ Ashik Devan Resident of Village - Sheikh Toli, P.S. - Lauriya,
District - West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Rashmi Bharti
For the Opposite Party/s	:	Mrs. Kalyan Shankar, APP
For the Informant	:	Mr. Gauri Shankar Thakur

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 07-12-2020 Due to COVID-19 Pandemic, the matter is being taken up
by way of Virtual Court proceeding.

The matter has been listed under the heading ‘For Orders’
under the orders of Hon’ble the Chief Justice.

Heard learned counsel for the petitioner and learned APP
for the State.

The petitioner seeks bail in Lauriya P.S. Case No. 142 of
2019 (G.R. No. 3352 of 2019) instituted for the offences under
sections 147, 148, 149, 341, 323, 324, 307, 506, 427 of the Indian
Penal Code in which section 302 IPC was added later on.

The prosecution case in short is that the accused persons
assaulted the deceased due to which he received head injuries and
died.

It has been submitted on behalf of the petitioner that the



petitioner is in custody since 3.1.2020 and has got no criminal antecedent. There is no allegation of tampering of witnesses alleged against the petitioner. Charge-sheet has been submitted in the present case. Earlier the case was instituted under sections 307 IPC and other allied sections of the Indian Penal Code but in course of treatment, the victim is said to have been died and thereafter section 302 IPC was added. General and omnibus allegation has been made against the petitioner. Neither any specific overt act is alleged against the petitioner nor there is any specific injury attributed against the petitioner.

On behalf of the State and the informant, it is submitted that the petitioner is named in the F.I.R. Specific allegations of assault have been made against three accused persons including the petitioner. The post-mortem report corroborates with the allegations made in the F.I.R. Hence, the petitioner is one of the assailants.

Considering the same, I am not inclined to grant bail to the petitioner. The same is rejected. The Trial Court is directed to conclude the trial at the earliest preferably within nine months from the date of receipt/production of a copy of this order.

(Sudhir Singh, J)

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