

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25973 of 2020

Arising Out of PS. Case No.-284 Year-2019 Thana- BARHIYA District- Lakhisarai

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KARU SINGH @ DHANANJAY KUMAR S/o Balmiki Singh @ Bachcha Singh Resident of Village-Barahiya Tola Ward no.07, P.S.-Barahiya, District-Lakhisarai.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr.Om Prakash Maharaj
For the Opposite Party/s : Ms Pronoti Singh

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

ORAL ORDER

3 02-12-2020 Heard Mr. Om Prakash Maharaj, learned counsel

for the petitioner and Ms. Pronoti Singh, learned APP for the

State.

The petitioner seeks bail in connection with

Barahiya P.S. Case No. 284 of 2019 (Sessions Trial No.

47/2020) instituted for the offence under Sections 307,

379 and 447 of the Indian Penal Code. After the death of

the deceased, Section 302 of the Indian Penal Code was also

added.

The petitioner is alleged to have given a dagger

blow to the wife of the informant, which led to her death.



The cause of occurrence is accommodation loan and the informant not returning the loan in time.

The petitioner is stated to be in custody since 25.11.2019.

it has been urged on behalf of the petitioner that from the case diary, it would appear that the Investigating Agency did not find any incriminating substance from the place of occurrence. No person staying or residing near the house of the deceased has stated anything which could implicate the petitioner in this case. Thus, the only evidence at this stage against the petitioner is of the informant and his son, who are inimically disposed towards the petitioner. It is the case of the petitioner that deceased inflicted harm to herself because of some dispute in the family, perhaps economic issues and the opportunity was taken advantage of by the informant to frame the petitioner in this case.

Regard being had to the fact that the deceased died of the dagger injury which is attributed to the petitioner, I am not inclined to grant bail to him for the present.



However, looking at the period of custody of the petitioner, this Court directs that the charges in this case should be immediately framed if it has not been framed upto now and effort would be made by the Trial Court to expedite and conclude the Trial.

If there is no substantial progress in the trial within a period of six months from the date of receipt / production of a copy of this order before the court below, the petitioner would be at liberty to approach the Trial Court for grant of bail and in that event, the Trial Court would be required to state the reason for the delay in conclusion of Trial.

Mr. Maharaj, learned counsel for the petitioner has also informed this Court that ever since the petitioner was lodged in Jail, he started losing his eyesight and is not being treated in the hospital despite the Jail Authorities having been made known of the ailment in the eye of the petitioner.

The petitioner would be well advised to make suitable representation before the Jail Authorities and this Court trusts that necessary action in that regard shall be



taken by the Jail Authorities.

The petition stands disposed of with the aforesaid
observation.

(Ashutosh Kumar, J)

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