

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32490 of 2020

Arising Out of PS. Case No.-137 Year-2020 Thana- GHORASAHAN District- East
Champaran

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Hazarilal Sah S/o Late Devilal Sah R/o Village-Champapur Koeria, P.S.-
Ghorasahan, District-East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Karandeep Kumar

For the Opposite Party/s : Mr. Nityanand Tiwary, APP

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 08-12-2020 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.

Learned counsel for the petitioner is directed to remove
the defect(s), as pointed out by the office, within a period of
four weeks after restoration of normalcy.

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

The petitioner seeks bail in a case for the offence
registered under Sections 147, 148, 149, 341, 323, 324, 337, 338
& 302 of the Indian Penal Code.

The prosecution case in short is that in course of coming



back home from his shop, the informant's father was surrounded by the accused persons and he was assaulted with different weapons, as a result of which, he sustained injuries. It is also alleged that while the informant and one neighbour came to rescue the informant's father, they were also assaulted. The informant's father succumbed to the injuries.

It has been submitted on behalf of the petitioner that the petitioner has got no criminal antecedent. There is no allegation of tampering of witnesses alleged against the petitioner. The petitioner is in custody since 18-04-2020. Charge sheet/Prosecution report in this case has already been submitted. The petitioner is 75 years old. He is alleged to have given brick blow on the head of the deceased. No deadly weapons is said to have been used on the part of the petitioner. The petitioner had no intention to commit murder of the deceased. Altogether 8 persons of petitioner's family have been made accused in the present case. There is an admitted land dispute between the parties.

On behalf of the State, it is submitted that the petitioner is named in the Complaint Case/F.I.R. There is specific allegation of assault alleged against him. The postmortem report corroborates the allegation made in the FIR.



Considering the aforesaid facts and circumstances of the case, I am not inclined to grant bail to the petitioner. Accordingly, prayer for bail of the petitioner in connection with Ghorasahan P.S. Case No. 137 of 2020 is rejected.

Learned trial court is directed to take all necessary steps to take all possible steps to conclude the trial of the petitioner, preferably, within a period of nine months from the date of receipt/production of copy of this order.

(Sudhir Singh, J)

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