

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.78948 of 2019

Arising Out of PS. Case No.-98 Year-2019 Thana- DURGAWATI District- Kaimur (Bhabua)

Suchit Bind, aged about 30 years, Male, Son of Dalsingar Bind, Resident of
Village - Gangapur - Sonaon, P.S.- Durgawati, Distt - Kaimur at Bhabhua.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sheo Kumar Prasad

For the Opposite Party/s : Mr.Ram Naresh Ray

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

4 04-06-2020 Heard Mr. Ravi Shankar Sahay, the learned counsel
appearing on behalf of the petitioner, Mr. Ram Naresh Ray, the
learned Additional P.P. as well as the learned counsel appearing on
behalf of the informant.

The petitioner seeks bail in Durgawati P.S. Case No.98 of
2019, registered under Sections 307, 324, 341, 323, 504 and 34 of the
Indian Penal Code. Later on, Section 302 of the Indian Penal Code
was added.

The son of the deceased disclosed in his fardbeyan that
while he was cleaning his own vehicle, Suchit Bind, the petitioner,
Sechu Bind and Abhimanyu Bind came and asked him not to clean
the vehicle for that they all began to abuse and there was scuffle and
even after much persuasion, the accused persons assaulted the
informant. In the meantime, the father of the informant who had gone
to his field came. The petitioner Suchit Bind went inside his house



and brought a *Garasa*. The petitioner assaulted the father of the informant with *Garasa* on his head. The father of the informant fell down and became unconscious.

Learned counsel for the petitioner submits that the petitioner is innocent and he has in fact committed no offence. There is a counter version being Durgawati P.S. Case No.99 of 2019, registered under Sections 341, 323, 504, 379 and 34 of the Indian Penal Code. From perusal of the injury report of the deceased, it would appear that the deceased got two lacerated wound on his head and the injuries were not caused by any sharp edged weapon such as *Garasa*. The case of the petitioner is that there was some scuffle and on account of which the deceased fell down on the ground and got injuries in his head. The petitioner was arrested while he had gone to police station for lodging the case. There was no intention on the part of the petitioner to kill and the petitioner is in jail for last 14 months, but the learned Additional P.P. as well as the learned counsel for the informant vehemently opposed the prayer for bail and submitted that in a spur of moment, although the father of the informant was not in the scuffle, the petitioner assaulted him on his head with *Garasa*. The head is a hard one encircled with bone and that is why lacerated wound was caused on account of the injuries inflicted by *Garasa*. The injury report itself shows that it was deep and caused grievous injury on account of fracture of bone. Ultimately the father of the informant was referred to trauma centre but he succumbed to his



injuries.

It appears from the record that there is specific allegation against the petitioner that it was he who inflicted injuries on the head of the father of the informant and the father of the informant died on account of head injuries during the course of treatment after five days of the occurrence, therefore, I am not inclined to enlarge the petitioner on bail.

Accordingly, the prayer for bail of the petitioner is rejected.

The trial court is directed to hold the trial on day to day basis and conclude the same within nine months from the date of receipt of this order.

The Superintendent of Police, Bhabhua is directed to ensure the attendance of the prosecution witnesses so that the trial must be concluded within nine months.

If the trial is not concluded within nine months, the petitioner may renew his prayer for bail.

Let a copy of this order be sent to the Superintendent of Police, Bhabhua for information and needful.

(Prabhat Kumar Jha, J)

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