

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4223 of 2020

Arising Out of PS. Case No.-79 Year-2006 Thana- KATORIYA District- Banka

SHANKAR DAS Son of Late Bigan Das Resident of Village- Bangora, P.S.-
Fullidumar, District- Banka.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Brij Nandad Prasad

For the Opposite Party/s : Mr.Surendra Prasad Singh

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

4 05-06-2020 Heard both sides.

The matter has been taken up through video conferencing.

The petitioner seeks bail in Katoria P.S. case No. 79 of 2006 registered under Section 302/34 of the Indian Penal Code.

Lilwatiya Devi, the informant, alleged that on 10.06.2006 Suresh Das, Brahmdeo Das, brother-in-law of Suresh Das and son of Bigan Das took her husband to village Longai. After some distance, Indradeo Das and Mohan Das also accompanied them but her husband did not return. During the course of search she found her husband lying injured. When the informant gave water to her husband, her husband regained consciousness and disclosed that Suresh Das, Brahmdeo Das, Indradeo Das, Mohan Das and son of Bigan Das, the petitioner,



indiscriminately assaulted him with fists and slaps and caused fracture of his hands. The husband of informant died during the course of treatment.

The learned counsel for the petitioner submits that omnibus and general allegation of assault is made against all the five accused persons, including the petitioner. Petitioner is son of Bigan Das but Bigan Das got four sons and which son of Bigan Das assaulted the husband of informant is not disclosed but it appears that later on during the course of investigation name of the petitioner also figured and petitioner and others indiscriminately assaulted the husband of the informant. Cognizance was taken against the petitioner on 03.12.2007 u/s 302/34 of the IPC but the petitioner remained absconding for more than 12 years. Petitioner surrendered only on 29.08.2019.

Taking into consideration the facts aforesaid and the nature of allegation made against the petitioner, I am not inclined to enlarge the petitioner on bail. Accordingly, the same 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, Banka is directed to



ensure the attendance of prosecution witnesses in the trial court
so that the trial must be concluded within nine months.

Let a copy of this order be sent to the trial court as
well as the Superintendent of Police, Banka for information and
needful.

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

(Prabhat Kumar Jha, J)

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