

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31403 of 2020

Arising Out of PS. Case No.-291 Year-2020 Thana- SASARAM NAGAR District- Rohtas
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ANIL RAM S/o Shankar Ram Resident of Village-Beladhi, P.S.-Sasaram
Nagar (Darigao), District-Rohtas.

... .. Petitioner

Versus

THE STATE OF BIHAR

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr.Ashok Kumar Pandey
For the Opposite Party/s : Mr. APP

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

3 12-01-2021 Heard Mr. Ashok Kumar Pandey, learned counsel
for the petitioner and learned APP for the State.

The petitioner seeks bail in connection with
Sasaram Nagar (Darigao) P.S. Case No. 291 of 2020
instituted for the offences under Sections 302 and 34 of the
Indian Penal Code.

Allegation in the F.I.R. is that on the petitioner
and another being accosted by the deceased for having hit
his dog, an occurrence took place where the petitioner and
another assaulted the deceased on his head leading to his
death. The petitioner is one of the brothers of the deceased.

Learned counsel for the petitioner has drawn the



attention of this Court to the materials, which have come during the course of investigation in the case diary. Some of the eye witnesses of this case and who are related to both the parties have stated that the deceased, in an anger, on seeing his dog being hit by the petitioner and another, opened fire which led to simple injuries on the persons of a young family member. In protest the deceased thereafter was assaulted by his two brothers including the petitioner in which, the deceased died. There is past dispute between the brothers also. Learned counsel for the petitioner, therefore, submits that there was no intention on the part of the petitioner to commit murder and the dispute which had arisen between the brothers had its genesis in a very small incident of one of the brothers of the deceased having hit the dog of the deceased.

However, regard being had to the nature of accusation against the petitioner, I am not inclined to grant bail to him for the present even though he is in custody since 23.05.2020 but considering the mitigating circumstances of this case and taking into account the period of custody of the



petitioner, it is directed that if there is no substantial progress in trial within the next six months, 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 reasons for tardy progress of Trial.

(Ashutosh Kumar, J)

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