

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43052 of 2021

Arising Out of PS. Case No.-216 Year-2020 Thana- MOHANIYA District- Kaimur (Bhabua)

LAKSHMAN SHARMA Son of Late Hardeo Sharma Resident of Village -
Katra Kala, P.S. - Mohania, District - Kaimur Bhabua, (Bihar)

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Saroj Kumar, Advocate

For the Opposite Party/s : Mr. Surendra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

3 24-11-2021 Heard Mr. Saroj Kumar, learned Advocate for
the petitioner and Mr. Surendra Kumar, learned APP for
the State.

The prayer for bail of the petitioner was earlier
rejected *vide* order dated 09.03.2021 passed in Cr.
Misc. No. 36477 of 2020.

The petitioner and his brother are said to have
assaulted the informant and his brother who had come
to the rescue of the informant leading to the death of
one Mahendra Prajapati, the brother of the informant.

The learned counsel for the petitioner has
submitted that the dispute was with the informant who
has received no injuries. The nature of injuries received
by the deceased appears to be because of fall during a
free fight and therefore, the mischief of Sections 304A



or 304-I IPC could only be attracted and not Section 302 IPC.

Be that as it may, this Court had called for a report about the stage of the case from the court below. The report indicates that only charges have been framed and no witness has been examined up till now.

Looking at the nature of accusation against the petitioner, I am not inclined to grant bail to him for the present.

The prayer for bail is rejected.

However, in view of the custody of the petitioner from 28.07.2020, this Court directs the trial court to conclude the trial positively within a period of six months, failing which the petitioner would have the liberty to approach the trial court for grant of bail and in that event the court below shall be under an obligation to indicate the reasons for the tardy progress of the trial.

The petition stands disposed off accordingly.

(Ashutosh Kumar, J)

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