

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60618 of 2023

Arising Out of PS. Case No.-79 Year-2019 Thana- SAHEBPUR KAMAL District- Begusarai

SHIVDANI RAM S/O RAMDEO RAM R/O VILLAGE- NAYA TOLA,
SHAHEBPUR KAMAL, P.S- SAHEBPUR KAMAL, DISTT.-
BEGUSARAI.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr.Syed Ehteshamuddin, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

3 10-11-2023

Heard counsel for the parties.

2. The petitioner is in judicial custody in connection with Sahebpur Kamal P.S. Case No. 79 of 2019 instituted under sections 147, 148, 149, 341, 307, 302 and 323 of the Indian Penal Code.

3. The specific allegation in the FIR has been made against the petitioner that he gave 'Axe' blow on the head of the deceased, as a result thereof, he fell down on the ground and subsequently succumbed to his injury.

4. Learned counsel for the petitioner submits that by way of supplementary affidavit the post-mortem report has brought on record and submits that the allegation that has come against the petitioner is not supported in the postmortem report inasmuch as, no cut injury was there on the person of the



deceased.

5. Per Contra, learned APP for the State submits that only because 'Axe' blow has been alleged in the FIR, it cannot be presumed that the deceased was given the blow through its sharp part and these facts will be considered during trial.

6. Earlier a report was called for on 08.09.2023 which has since been received vide letter no. 274 dated 25.09.2023 and according to which, the charge has been framed against the five accused persons including the petitioner and summons have been issued which followed the bailable warrant but witnesses have not turned up.

7. The Superintendent of Police, Begusarai shall ensure that all the necessary witnesses summoned by the trial Court are brought before it so that the trial is taken to its logical conclusion within a period of six months from today.

8. So far as the bail application is concerned, considering the allegation that has come in the FIR, no re-look is required and it would be appropriate that the petitioner faces the trial. The bail application stands rejected.

(Rajiv Roy, J)

Jagdish/-

U		T	
---	--	---	--

