

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.34525 of 2016

Arising Out of PS.Case No. -309 Year- 2015 Thana -PURNEA SADAR District- PURNIA

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Mursalim @ Md. Mursali @ Md. Mussalim Son of late Humayun Resident
of Villge- Miya Bazar, Purnea City Patna Sadar District Purnea.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Jitendra Narain Sinha

For the Opposite Party : Smt. Sharda Kumari

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 30-09-2016 Heard learned counsel for the petitioner, learned
counsel for the informant and learned counsel for the State.

The petitioner seeks bail in a case instituted under
Sections 147, 148, 149, 324, 307 and 302 of the Indian Penal
Code.

The allegation against the petitioner is that on the order
of co-accused Md. Anisur Rahman, the petitioner gave a sickle
blow on the neck of the deceased, as a result of which, he fell
down and became unconscious. Thereafter the deceased was
taken to hospital, where the doctor declared him to be dead.

It has been submitted on behalf of the petitioner that the
petitioner is in custody since 13.04.2016. The charge sheet has
been submitted in the present case. There is no allegation of

tampering of witnesses alleged against the petitioner. It is a case and counter case between the parties. There is admitted land dispute. In exercise to private defence, the petitioner is said to have assaulted upon the deceased.

On behalf of the state and counsel for the informant, it has been submitted that the petitioner is named in the F.I.R. There is specific allegation of assault by hasua upon the neck of the deceased, which lead to his death. The postmortem report also supports the allegation made in the First Information Report. There are four cases pending against the petitioner.

Considering the aforesaid facts and circumstances, I am not inclined to grant bail to the petitioner. The same is rejected in Purnea Sadar P.S. Case No. 309 of 2015, pending in the court of learned A.C.J.M.-1st, Purnea.

Anyhow, the court below is directed to take all necessary steps to expedite the trial.

(Sudhir Singh, J.)

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