

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.3854 of 2015

Arising Out of PS.Case No. -142 Year- 2014 Thana -BARAULI District- GOPALGANJ

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1. Nagendra Singh son of Bacha Singh resident of village Kalakalaha, P.S. Barauli, District- Gopalganj.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ravi Bhardwaj, Advocate.

For the Opposite Party/s : Mr. Subhash Chandra Mishra(App)

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

3 20-03-2015 Heard both sides.

The petitioner seeks bail in Barauli P.S. Case No. 142 of 2014, registered for the offences punishable under Section 302 and some other Sections of the Indian Penal Code.

The informant alleged that his uncle Sahdeo Singh had gone to attend call of nature, the petitioner assaulted him with lathi. The doctor found different injury on the body of the deceased.

Sri Rana Pratap Singh, the learned Sr. Advocate submits that the informant Fulena Singh is not the eye witness of the occurrence. When he reached at the place of occurrence he saw his uncle lying unconscious. Other witnesses are also hearsay witnesses but Shatrughan Singh and Ashok Singh in para 29 and

30 of the case diary have improved the prosecution case and disclosed that when they reached at the place of occurrence, on alarm Sahdeo Singh the deceased was saying that the petitioner assaulted him with lathi although the informant did not disclose this fact in his earlier version.

It appears from the perusal of the records that the informant is not an eye witness of the occurrence and he did not disclose the name of the other witnesses who arrived before him at the place of occurrence. It appears that the petitioner also killed his one villager prior to the occurrence.

Considering the facts aforesaid I am not inclined to enlarge the petitioner above named on bail. Accordingly, the same is rejected.

However, the petitioner may renew his prayer for bail after remaining one year in jail.

(Prabhat Kumar Jha, J.)

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