

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.31600 of 2015

Arising Out of PS.Case No. -175 Year- 2014 Thana -PIPRA District- SUPAUL

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Hari Narayan Sah S/o Ganga Pd. Sah resident of village Dulari P.S.- Pipra,
Dist-Supaul

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Kumar Goutam

For the Opposite Party/s : Mr. Bhanu Pratap Singh(App)

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CORAM: HONOURABLE MR. JUSTICE ADITYA KUMAR TRIVEDI
ORAL ORDER

3 14-10-2015

Heard learned counsel for the petitioner as well as
learned Additional Public Prosecutor.

During course of fencing, it has been alleged by the
informant that all the accused persons variously armed came out of
whom petitioner Hari Narayan Sah had shown pistol and during midst
thereof, his brother gave farsa blow causing injury to the informant
whereupon he became unconscious. He was shifted to hospital. When
he regained sense, he found his son Vikash Kumar admitted to being
unconscious. Furthermore, it has also been alleged that accused
persons took away his house holding articles.

It has been submitted on behalf of petitioner that after
elapse of two days, he has been identified intentionally as well as
purposely to be the assailant of deceased Vikash Kumar. It has also
been submitted that there happens to be consistent version of the
independent witnesses that marpit took place in between both the
parties as well as both sides also sustained injury. It has also been
submitted that deceased had fallen down on the earth whereupon

sustained injuries. So submitted that petitioner is entitled for bail.

The learned Additional Public Prosecutor opposed the prayer.

From perusal of the case diary, it is apparent that apart from consistent statement of witnesses including injured, doctor had found injuries over the head of deceased caused by hard and blunt substance which has also been affirmed during course of postmortem, to be cause of death.

As such, for the present I do not find it a fit case for grant of bail. Prayer for bail is rejected. If so advised may renew for prayer for bail after a year in case trial is not concluded during midst thereof.

(Aditya Kumar Trivedi, J)

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