

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.36973 of 2014

Arising Out of PS.Case No. -36 Year- 2012 Thana -SINGHIYA District- SAMASTIPUR

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1. Chandan Jha Son of Madho Jha Resident of Village-Singhiya, P.S.-Singhia, District-Samastipur.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ashok Kumar Mishra

For the Opposite Party/s : Mr. Asha Devi(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

3 16-01-2015 Heard learned counsels for the petitioner and the State.

The petitioner is languishing in custody since 12.5.2014 in a case registered for the offences punishable under Sections 341,342,323,325,307 and 302/34 of the Indian Penal Code.

It is alleged that the informant and his cousin brother were watching orchestra in the premises of the temple. In the meantime, the petitioner came and asked the informant to stand up. On protest being made he started abusing then the co-villager intervened when the petitioner escaped from the scene after giving threatening. After some time, the petitioner and others came on the spot and started pulling the informant when cousin brother of the informant objected then this petitioner and co accused Sumit Singh assaulted with piece of bamboo on the head of the cousin

brother of the informant on the order of Madhav Jha. Subsequently, he succumbed to the injury.

It is submitted by the learned counsel for the petitioner that uncle and other family members of the informant made statements in paragraphs 6,7 and 17 of the case diary which reflect that actually Sumit assaulted on the head of the deceased.

It is submitted by learned counsel for the state that the accusation of assault is against this petitioner and Sumit and such accusation has also been supported by the witnesses during investigation and the accusation is corroborated with the medical evidence.

Considering the aforesaid facts, this court is not inclined to grant bail to the petitioner in connection with Singhiya P.S. Case No. 36 of 2012 pending in the court of the learned ACJM, Rosera, Samastipur.

This application is, accordingly, dismissed.

(Dinesh Kumar Singh, J)

Anil/-

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