

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.40831 of 2014

Arising Out of PS.Case No. -99 Year- 2014 Thana -BIRPUR District- SUPAUL

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Moiddin Rahmani @ Md. Moziur Rahman @ Md. Moiddin Rahmani son of
Late Motiur Rahman, residet of village- Tharbitiya, P.S.- Kishanpur,
District- Supaul

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Satyendra Narayan Singh

For the Opposite Party/s : Mr. Anusaiya Jaiswal(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR
SINGH
ORAL ORDER

03/ 22-01-2015

Heard learned counsels for the petitioner and
the State.

The petitioner is languishing in custody since
30.04.2014 in a case registered for the offences punishable under
Sections 302/34 of the Indian Penal Code.

It is alleged that the petitioner called the
brother of the informant at his house and demanded Rs.2,50,000/-
given as loan to the victim. Thereafter the petitioner, his wife and
3-4 unknown persons assaulted the brother of the informant with
sharp cutting weapon and iron rod indiscriminately. Subsequently,
the brother of the informant died.

It is submitted by learned counsel for the

petitioner that admittedly the informant is not the eye witness to the occurrence. Accusation of assault is against 5-6 persons when only two injuries have been found, which suggests that the informant was not properly informed about the occurrence and the wife of the petitioner, who is also alleged to have made assault to the victim, has been granted bail vide Cr. Misc. No. 288125 of 2014.

Considering the thrust of accusation against the petitioner, this Court is not inclined to grant bail to the petitioner for the present.

Accordingly, the prayer for bail of the petitioner is rejected in connection with Birpur P.S. Case No. 99 of 2014 pending in the court of learned Sub-divisional Judicial Magistrate, Birpur, District – Supaul.

(Dinesh Kumar Singh, J)

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