

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.14845 of 2015

Arising Out of PS.Case No. -1013 Year- 2014 Thana -KHAZANIHAT District- PURNIA

=====

Amit Kumar Son of Naresh Goswami resident of village- Jageli, P.S.- Shri Nagar, District- Purnia

.... Petitioner

Versus

1. The State of Bihar

.... Opposite Party

=====

Appearance :

For the Petitioner : Mr. Arun Prasad Ambastha, Advocate.
For the Informant : Mr. Sanjay Kumar, Advocate.
For the State : Mr. Ajay Kumar No. I, A.P.P.

=====

CORAM: HONOURABLE MR. JUSTICE AMARESH KUMAR LAL
ORAL ORDER

3 02-06-2015 Heard learned counsel for the petitioner, learned counsel for the informant and learned A.P.P. for the State.

The petitioner seeks bail in a case registered for the offence punishable under Sections 147, 148, 149, 160, 302, 342, 323, 325 and 327 of the Indian Penal Code.

Allegation against the accused including the petitioner is that when Naushad came to intervene the fight between Bambam and the accused including the petitioner, they assaulted the deceased who fell down on the road and when the informant and his relative went to rescue Naushad, they were also assaulted by them causing injury on her hand. When the villagers came to rescue, the accused including the petitioner tried to escape. The petitioner was apprehended by the villager on the spot

who disclosed his name as Amit Kumar (petitioner).

Learned counsel for the petitioner submits that there is no specific allegation of overt act against the petitioner and in similar facts and circumstances co-accused Bambam Kumar and Mithilesh Sah have been granted bail vide Criminal Miscellaneous No. 8749 of 2015 and Criminal Miscellaneous No. 7531 of 2015 respectively.

Learned counsel for the State submits that there was fight between Bambam Kumar on the one hand and ten unknown persons on the other. The petitioner is one of the persons who had been called for assaulting Bambam Kumar, Bambam was rescued by Naushad thereafter the accused including the petitioner assaulted him which caused his death and when the relatives of Naushad came to his rescue, they were also assaulted by the accused including the petitioner. The case of the Mithilesh Sah and Bambam Kumar are of different footing. Petitioner has been apprehended from the spot itself.

Considering the facts and circumstances, in my opinion, the petitioner does not deserve bail at this stage. His prayer for bail is rejected.

(Amaresh Kumar Lal, J)

Md. Ibrarul/-

U		T	
---	--	---	--