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IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.11276 of 2015

Arising Out of PS.Case No. -120 Year- 2014 Thana -BABUBARHI District- MADHUBANI

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1. Parashu Ram Yadav Son of Basudeo Yadav Resident of village - Basaha, P.S. Babubarhi, District - Madhubani

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr. Gagan Deo Yadav, Advocate.
For the Opposite Party/s : Mr. Mukesh Kr.Singh(App)

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

3 06-04-2015 Heard both sides.

The petitioner seeks bail in Babubarhi P.S. Case No. 120 of 2014, registered for the offences punishable under Section 302 and other Sections of the Indian Penal Code.

Gangai Yadav the informant named 11 persons and alleged that Parashu Ram Yadav the petitioner assaulted Ramchandra Mahto with Garasa on the head. Rajdeo Yadav assaulted Ram Prasad Mahto with Pharsa on his head and Ram Prasad Mahto died. Other accused persons are also alleged to have assaulted other persons. The petitioner is only alleged to have assaulted Ramchandra Mahto with Garasa.

Learned counsel for the petitioner submits that Ramchandra Mahto got one injury on his head, he was sent to hospital, but final opinion with regard to injuries has not been given. The police has already submitted charge sheet and the petitioner is in jail since

09.10.2014.

It appears that the petitioner is alleged to have assaulted Ramchandra Mahto, but the investigating officer did not collect the final opinion of the doctor with regard to nature of injury of Ramchandra Mahto and submitted charge sheet. Even the supervising authority did not look into such illegality and irregularity committed by the investigating officer who investigated the case in a perfunctory manner and submitted charge sheet without obtaining final opinion with regard to injury and the petitioner has remained in jail for about six months.

Considering the facts aforesaid, the petitioner above named is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of Shri R. Shankar, the learned Judicial Magistrate Ist Class, Madhubani in connection with Babubarhi P.S. Case No. 120 of 2014.

Let a copy of this order be also transmitted to the Superintendent of Police, Madhubani for information and taking action against such erring investigating officer.

(Prabhat Kumar Jha, J.)

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