

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.15984 of 2015

Arising Out of PS.Case No. -307 Year- 2013 Thana -MOTIPUR District- MUZAFFARPUR

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Brahamdeo Thakur son of Mahadeo Thakur resident of village - Pana
Chhapra, P.S. - Motipur, Dist - Muzaffarpur.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Neeraj Kumar Alias Sanidh

For the Opposite Party/s : Mr. Madhuri Lata(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

02/ 22-05-2015

Heard learned counsels for the petitioner and
the State.

The petitioner is languishing in custody since
02.12.2013 in a case registered for the offences punishable under
Sections 302 and 307/34 of the Indian Penal Code.

The prosecution case is that the informant
while coming on a bicycle saw the petitioner armed with axe, co-
accused armed with Basuli, Jai Singh armed with lathi, Bibhuti
Singh and Raghubansh Singh armed with bamboo stick started
assaulting the victim Jitendra Rai. When the informant went to
rescue the victim then co-accused Jai Singh assaulted with

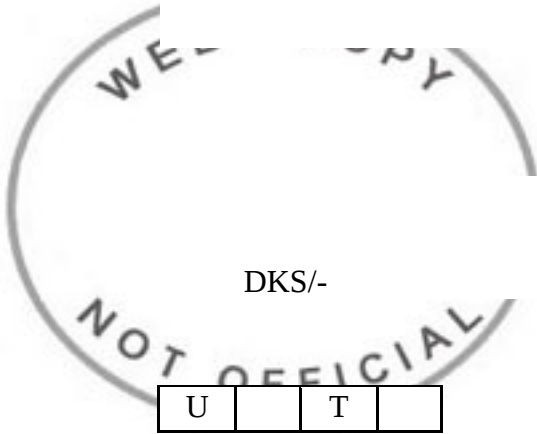
bamboo stick to the informant as a result of which received injury. It is specifically alleged that petitioner assaulted with axe on the head of the victim Jitendra Rai as a result he died.

It is submitted by learned counsel for the petitioner that the accusation is not being corroborated by the post-mortem report since the post-mortem report reflects three lacerated wound and one bruise caused by hard and blunt substance when the petitioner had assaulted with sharp cutting weapon like axe. The claim of the informant being an eye witness gets clouded to this effect that there is no injury report of the informant on the record and the co-accused Bivu Kumar @ Bibhuti Singh has been granted bail vide Cr. Misc. No. 17012 of 2014. A statement has been made in para 3 of the petition that the petitioner has no criminal antecedent.

Considering the fact that accusation against the petitioner is not being corroborated by the post-mortem report, let the above named petitioner, be released on bail on furnishing bail bonds of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned 3rd Additional Sessions Judge, Muzaffarpur in connection with Sessions Trial No. 653 of 2014 arising out of Motipur P.S. Case No. 307 of 2013.

The learned trial court will be at liberty to

cancel the bail bonds of the petitioner, if he defaults for two consecutive occasions.



(Dinesh Kumar Singh, J)

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