

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.26028 of 2015

Arising out of PS.Case No. -182 Year- 2014 Thana -NAUBATPUR District- PATNA

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Bhavishya Rai @ Sadhu Rai, Son of Mohan Rai, Resident of Village-
Barsima, P.S.- Alipur, District- Gaya.

.... Petitioner

Versus

The State of Bihar.

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Sanjay Kumar Pandey No-5,
Advocate.

For the Opposite Party : Mr. Sanjay Kumar(App)

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 24-07-2015 The petitioner is languishing in custody since 09.05.2014

in connection with Naubatpur P.S. Case No. 182 of 2014 for the

offences instituted under Sections 341, 323, 337, 324, 307 and

302/34 of the IPC.

Heard learned counsel for the petitioner and learned
counsel for the State.

The prosecution story, in brief, is that the informant's
brother was assaulted with Lathi and Kulhari by the F.I.R. named
accused persons as a result of which he died. It is further alleged
that four accused persons including this petitioner specially
assaulted the informant's brother causing injury.

It has been submitted on behalf of the petitioner that the



petitioner is in custody since 09.05.2014 and the charge sheet has been submitted in the case. The injury report of the deceased indicates only two injuries i.e., on the eye of the deceased. Subsequently after death, post mortem was conducted and as many as four injuries were found on the body of the deceased. There has been no explanation on the part of the prosecution in respect of rest of the injuries found in course of post mortem. Though the allegation is against four persons for assaulting the deceased but annexure-3 only two injuries were found on the body of the deceased. It is further submitted that the petitioner has got no criminal antecedent and he has been implicated in the present case due to previous enmity.

On behalf of the State and the informant it has been submitted that the petitioner is one, among the four persons, who is said to have assaulted the deceased but still failed to explain the injuries which is there in annexure-3 i.e., injury report of the deceased and the injury found in course of post mortem examination which is annexure-5 to the application. It is further submitted that the bail application of other accused persons have been rejected. After going through the orders, I find that this point has not been raised or it has not been taken by the counsels.

Considering the aforesaid facts and circumstances, let

the petitioner above named, be released on bail in the event of his arrest or surrender before the learned court below within a period of six weeks from today in connection with Naubatpur P.S. Case No. 182 of 2014(G.R. No. 1199/2014) on furnishing bail bond of Rs. 10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned J.M. Ist Class, Danapur, Patna, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

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(Sudhir Singh, J)