

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.14269 of 2015

Arising out of PS.Case No. -42 Year- 2015 Thana -PATORI District- SAMASTIPUR

- =====
1. Shankar Paswan, S/o Ram Prasad Paswan.
2. Baidyanath Paswan @ Baijnath Paswan, S/o Late Rupan Paswan. Both residents of village - Dakshini Dumari, P.S. Patori (Mohanpur O.P.), District – Samastipur.

.... Petitioners

Versus

The State of Bihar

.... Opposite Party

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with

Criminal Miscellaneous No.14355 of 2015

Arising out of PS.Case No. -42 Year- 2015 Thana -PATORI District- SAMASTIPUR

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Ram Naresh Rai, S/o Nunu Rai, resident of Village Baghra Bariyarpur, P.S. Patori (Mohanpur O.P.), District Samastipur.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

(In Cr.Misc. No.14269 of 2015)

For the Petitioners : Mr. Suneil Kumar Thakur, Advocate.

For the Opposite Party : Mr. Ambika Bhagat(Spl.App)

(In Cr.Misc. No.14355 of 2015)

For the Petitioner : Mr. Suneil Kumar Thakur, Advocate.

For the Opposite Party : Mr. Ram Shankar Das(Spl.App)

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA

ORAL ORDER

3 30-06-2015 Heard both sides.

The petitioners seek their bail in a case under Section 302 and other Sections of the I.P.C., 27 of the Arms Act, 3(1)(x)

and 3(2)(v) of the SC/ST (Prevention of Atrocities) Act.

The wife of the deceased made allegation that while her husband went to save his son Mukesh Paswan, Manoj Rai fired at his leg and Rajesh Rai assaulted her husband with sword. Other accused persons assaulted her husband with lathi.

It is submitted that no specific allegation is made against the petitioners. During the course of investigation, even Mukesh Paswan, the son of the informant has not named the petitioners as assailants but from perusal of the records, it appears that the informant has named the petitioners alongwith other accused persons and alleged that the petitioners also assaulted her husband with lathi.

From perusal of the post mortem report, it appears that the deceased got one fire arm injury and also got different lacerated wound. His hands and legs were fractured and on account of the aforesaid injuries, the deceased Dinesh Paswan succumbed to injuries.

Considering the facts aforesaid, I am not inclined to enlarge the petitioners on bail at this stage. Accordingly, the same is rejected in Patori P.S. Case No. 42 of 2015, pending in the court of the learned C.J.M., Samastipur.

The petitioners may renew their prayer for bail after

nine months if the trial is not concluded.

U.K./-

(Prabhat Kumar Jha, J)

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