

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.36333 of 2015

Arising Out of PS.Case No. -94 Year- 2015 Thana -BAIRIYA District-
WESTCHAMPARAN(BETTIAH)

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1. Bhola Sah, Son of Radha Sah, Resident of Village- Pathkhauli,
P.O.+P.S.- Bairiya, District- West Champaran, Bihar.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Vikas Ratan Bharti

For the Opposite Party/s : Mr. Navin Kr. Panday (App)

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**CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN
SHARMA**
ORAL ORDER

3 01-12-2015 Heard learned counsel for the petitioner and learned
A.P.P. representing the State.

The petitioner seeks bail in connection with Bairiya
P.S. Case No. 94 of 2015 registered for the offences punishable
under Sections 147, 148, 149, 323, 324, 307, 354, 504 and 302 of
the Indian Penal Code and Section 34 of the Prevention of Witch
(Daayan) Practices Act, 1999.

Allegedly the petitioner and others F.I.R. named
accused person started damaging the house of the informant and
further wrapped *Gamacha* on the neck of the informant and on
alarm being raised, the petitioner gave farsha blow on the head of
the father of the informant resulting cut injury and bleeding and he

fell down and further after using the word *Daain*, they abused and assaulted the grand-mother and grand-father of the informant.

Submission is of false implication and that there is case and counter case. There is free fight between the parties. Medical evidence does not corroborate the prosecution version as no sharp cut injury has been found on the person of the deceased. The petitioner is suffering in custody since 08.04.2015, having no criminal antecedent. Chargesheet has already been submitted and there is no chance of tampering with the prosecution evidence.

Learned A.P.P. duly assisted by the learned counsel for the informant opposes the prayer of bail by submitting that the petitioner gave farsa blow on the head of the father of the informant causing his death and this version has been supported by the witnesses. During investigation the doctor has also found the cause of death due to head injury.

In the facts and circumstances stated above, considering that the petitioner is the assailant, this Court is not inclined to enlarge the petitioners on bail and, as such, prayer stands rejected.

(Jitendra Mohan Sharma, J)

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