

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.35251 of 2015

Arising Out of PS.Case No. -218 Year- 2014 Thana -KUCHAIKOTE District- GOPALGANJ

1. Kaniehya Kushwaha Son of Late Sita Ram Kushwaha Resident of
Village - Asandi Mahuawa, P.S. - Kuchaikote, Distt. - Gopalganj.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mohammad Sufyan

For the Opposite Party/s : Mr. Ram Naresh Roy(App)

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

4 07-12-2015 Heard the learned counsel for the petitioner, the
learned A.P.P as also the learned counsel for the informant.

The petitioner seeks bail in a case for the offences
punishable under sections 147, 148, 149, 341, 323, 324, 307, 379
and 302 of the I.P.C

Allegedly, the petitioner and other FIR named accused
persons being armed with Lathi, Danda, Spear and Farsa came at
the door of the informant and started assaulting the informant, his
brother Santosh Kushwaha and the daughter Laxmi Kumari
causing death of Laxmi Kumari and injured the informant and his
brother.

Submission is of false implication and that the
petitioner and other co-accused are agnates of the informant and

due to petty dispute the alleged incident is said to have taken place. The allegations are omnibus and general in nature and the petitioner is suffering in custody since 19.03.2015. Charge sheet has already been submitted, there was no intention and as such the petitioner deserves sympathetic consideration, to which the learned A.P.P. duly assisted by the learned counsel for the informant opposes prayer for bail by submitting that the prayer for bail of similarly situated co-accused Lalan Prasad Kushwaha, Mannu Kushwaha and Tuntun Kushwaha has already been rejected by another coordinate Bench of this Court vide Cr. Misc. No. 51771 of 2014.

In the facts and circumstances as stated above, considering that the petitioner was also involved in assaulting the deceased, the informant and his brother and the medical evidence is also consistent and as such this Court is not inclined to enlarge the petitioner on bail and accordingly his such prayer stands rejected in connection with Kuchaikote P.S. Case No. 218 of 2014 pending in the court of C.J.M. Gopalganj.

Abhay/-

(Jitendra Mohan Sharma, J)

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