

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.4202 of 2015

Arising Out of PS.Case No. -176 Year- 2013 Thana -RAJGIR District- NALANDA
(BIHARSHARIFF)

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Lalan Rajbanshi Son of Gangu Rajbanshi Resident of vill-Hasanpur,P.S-
Rajgir,Distt.-Nalanda

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Mukesh Kumar

For the Opposite Party/s : Mr. Atul Chandra (App)

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

4 23-03-2015 Heard both sides.

The petitioner seeks bail in Rajgir P.S. Case No. 176/2013 registered for the offence under Section 302 and other sections of the Indian Penal Code.

Learned Counsel for the petitioner submits that quarrelling took place for she-goat and four persons are alleged to have assaulted Bindeshwari Paswan. Petitioner Lalan Rajbanshi is alleged to have assaulted Bindeshwari Paswan with bricks on his head.

Learned counsel for the petitioner further submits that initially the case was registered under Section 307 I.P.C.. Later on, after death of Bindeshwari Paswan, Section 302 I.P.C. was added. The deceased fell down on a brick and got injuries.

The case does not come within the purview of Section 302 of the I.P.C. It appears that the petitioner is alleged to have assaulted Bindeshwari Paswan with bricks on his head. The post-mortem report found one swelling injury with blood clot in front of hemisphere of forehead of Bindeshwari Paswan and the cause of death was hemorrhage and shock on account of aforesaid injury.

Considering the facts aforesaid, I am not inclined to enlarge the petitioner on bail at this stage. Accordingly the same is rejected. The petitioner may renew his prayer for bail after remaining one year in jail.

(Prabhat Kumar Jha, J.)

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