

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.2820 of 2016

Arising Out of PS.Case No. -192 Year- 2015 Thana -BIBHUTIPUR District- SAMASTIPUR

1. Sanjay Kumar S/o Rajendra Mahton Resident of Vill- Khdiyahi, P.S.-
Bibhutipur, Distt- Samastipur.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

with

Criminal Miscellaneous No.7036 of 2016

Arising Out of PS.Case No. -192 Year- 2015 Thana -BIBHUTIPUR District- SAMASTIPUR

1. Ram Kumar S/o Jagdish Mahto Village- Khadiyahi, P.S.- Bibhutipur
Dist.- Samastipur.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

(In Cr.Misc. No.2820 of 2016)

For the Petitioner/s : Mr. Jitendra Kumar Pandey

For the Opposite Party/s : Mr. Bharat Lal (App)

(In Cr.Misc. No.7036 of 2016)

For the Petitioner/s : Mr. Shubhesh Pandey

For the Opposite Party/s : Mr. Nand Kumar(App)

CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN
SHARMA

ORAL ORDER

3 16-03-2016 Both the Criminal Miscellaneous are of the same
occurrence and as such have been heard together and are being
disposed of by passing this common order.

Heard the learned counsel for the petitioners as well
as the learned A.P.P for the State.

The petitioners seek bail in a case for the offences punishable under sections 341, 342, 323, 324, 325, 307 and 302/34 of the I.P.C

Allegedly, the petitioners being instigated by co-accused Jitendra Kumar and Bikram Kumar assaulted Chandan Kumar Sharma, the nephew of the informant, by means of iron rod and khanti causing severe injury near his neck and cheek and thereafter Chandan Kumar Sharma became senseless and fell down, after that co-accused Ramanand Kumar and Ramkishun Mahto started assaulting him with iron rod.

Submission is of false implication and that besides the informant there is no other eye witness to the occurrence, during investigation different story has emerged regarding the manner of occurrence, the doctor who has conducted the postmortem examination has found four injuries on the person of the deceased, out of which one is on scalp which is lacerated muscle deep injury and others are on mandibular area, jaw and neck, co-accused Ramanand Kumar has already been allowed bail by another coordinate Bench of this Court and as such the petitioners also deserve sympathetic consideration, to which the learned A.P.P. opposes by submitting that against the petitioners there is specific allegation for causing severe injury near the neck and on the cheek

resulting the deceased became unconscious and fell down and the postmortem report also supports the prosecution version.

In the facts and circumstances as stated above, considering the allegation attributed against the petitioners, serious in nature, at this stage this Court is not inclined to enlarge the petitioners on bail and accordingly their such prayer stands rejected in connection with Bibhutipur P.S. Case No. 192 of 2015 pending in the court of A.C.J.M./ J.M. 1st Class, Rosera, District-Samastipur.

(Jitendra Mohan Sharma, J)

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