

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.10754 of 2016

Arising Out of PS.Case No. -172 Year- 2015 Thana -CHAINPUR District- BHABHUA (KAIMUR)

1. Kamlesh Yadav son of Late Bachau Yadav, resident of Village Lohara,
P.S. Chainpura District Kaimur at Bhabua.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dharmendra Kumar Singh, Advocate

For the Opposite Party/s : Mr. A.K.Choudhary(App)

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

5 24-05-2016 Heard learned counsel for the petitioner and the learned
A.P.P. for the State.

The petitioner is languishing in jail custody since
28.01.2016 in a case registered for offences punishable under
Sections 307/34 of the I.P.C.

The prosecution case as lodged on the basis of
statement recorded by the informant Ghurhu Bind is that after
taking meal, he was sleeping at his dawaza, in the meantime, other
accused persons along with petitioner came and opened fire,
which hit him, thereafter, he fell down and petitioner along with
other accused persons fled away.

It has been submitted by the learned counsel for the
petitioner that the petitioner is innocent, having no criminal

history, as is evident from para-3 of this application. He further submits that the petitioner has been implicated due to inimical terms of co-accused with the informant.

Learned counsel for the petitioner submits that the petitioner and informant have entered into compromise, which is reflected as Annexure-2 of this petition.

However, learned A.P.P. for the State submits that the injury report shows that the informant has been referred to Institute of Medical Sciences, Banaras Hindu University.

Considering the nature of injuries and the fact that the matter is still pending for review, I am not inclined to grant privilege of bail to the petitioner. It is, accordingly, rejected.

The petitioner may renew his prayer for bail after three months, subject to the result of the review by the Medical Board.

(Nilu Agrawal, J)

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