

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.12188 of 2016

Arising Out of PS.Case No. -398 Year- 2015 Thana -HARNAUT District- NALANDA
(BIHARSHARIFF)

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1. Nitish Kumar, son of Sugrib Singh, Resident of Village- Cheran P.S.
Hernaut, District- Nalanda.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Nilesh Kumar

For the Opposite Party/s : Mr. Rana Randhir Singh(App)

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

ORAL ORDER

4 05-05-2016 Heard the learned counsel for the petitioner as well as
the learned A.P.P for the State.

The petitioner seeks bail in a case for the offence
punishable under section 302/34 of the I.P.C

Allegedly, the petitioner and co-accused Sugrib Singh
being armed with lathi and khanti started assaulting Amar Kumar
Singh, the uncle of the informant and when the informant and
other villagers after hearing alarm went there both assaulted Amar
Kumar Singh indiscriminately causing serious injury to him
resulting he succumbed to the injuries. The motive behind the
occurrence is earlier land dispute.

Submission is of false implication and that the

prosecution version, as alleged, is not the true version, it is not consistent with the medical evidence, as a matter of fact, the deceased had fallen down on the ground and in that process he received injury, the place of occurrence, as alleged, has also not been verified and as such the petitioner deserves sympathetic consideration as he is suffering in custody since 24.11.2015.

The learned A.P.P. seriously opposes prayer for bail by submitting that the informant and other witnesses during investigation have supported the prosecution version and further besides other injuries lacerated wound of 2"x 0.5" x bone deep on mid shaft was also found and the cause of death is due to haemorrhage and shock resulting due to the above injury caused by the hard and blunt substance.

In the facts and circumstances as stated above, considering the allegation attributed against the petitioner, serious in nature, I am not inclined to enlarge the petitioner on bail and accordingly his such prayer stands rejected in connection with Harnaut P.S. Case No. 398 of 2015 pending in the court of C.J.M. Nalanda at Biharsharif.

(Jitendra Mohan Sharma, J)

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