

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.13762 of 2016

Arising Out of PS.Case No. -189 Year- 2013 Thana -KISHANGANJ District- KISANGANJ

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YAQOOB MUNNA @ MUNNA MISTRI @ MD. YAQOOB MUNNA
Son of Late Badrulal Harijan Resident of Mohalla- Ruidhasa, Khankah
Road, P.S.- Kishanganj, District- Kishanganj.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Radha Mohan Singh

For the Opposite Party/s : Mr. Yogendra Kr.Singh(App)

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CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR
MISHRA
ORAL ORDER

2 26-04-2016 Heard learned counsel for the petitioner and the

learned A.P.P. for the State.

The petitioner is accused in connection with
Kishanganj P.S. Case No. 189 of 2013, registered under Sections
147, 149, 323, 324, 307 and 302 of the Indian Penal Code,
pending in the Court of Chief Judicial Magistrate, Kishanganj.

The prosecution story is that on 24.05.2013,
petitioner along with Sarfaraz @ Laddan, Rubeda Khatoon along
with 5-6 started to surround the land of the informant forcibly.
When informant his mother and sister reached there and made
protest on which petitioner gave iron rod blow at his head and
accused Sarfaraz @ Laddan caused injury through sharp cutting
weapon, then she fell down. Thereafter, petitioner and Sarfaraz
@ Laddan also caused injury through iron rod, when Nilu @

Rafia Praveen rushed to save her she has been also assaulted. At that time accused Sarfaraz crushed mother of the informant through tractor.

Learned counsel for the petitioner submits that, in fact, there is allegation against Sarfaraz @ Laddan, who crushed the mother of the informant through tractor and not against this petitioner.

Learned counsel for the State submits that there is specific allegation against the petitioner to cause injury through iron rod. The post-mortem report reveals that injuries found on the person of the deceased i.e. 1"X1/2", 3"X2.5" and 3"X3" on right side of knee joint, on occipital bone and on right side of lower abdomen caused by hard and blunt heavy impact, which could not be caused by iron rod.

Having considered the facts and circumstances of the case and nature of allegation, I am not inclined to enlarge the petitioner on bail. Accordingly, prayer of the petitioner, above named, is rejected

(Rajendra Kumar Mishra, J)

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