

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.16713 of 2016

Arising Out of PS.Case No. -407 Year- 2015 Thana -ARA NAWADA District- BHOJPUR

1. Sumit Kumar S/o Baijnath Singh, Resident of Village- K.G. Road, P.S.-
Ara Nawada, District- Bhojpur.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Manoj Kumar

For the Opposite Party/s : Mr. Narsingh Tanti(App)

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 24-05-2016 Heard learned counsel for the petitioner, the State as
well as learned counsel for the informant.

The petitioner is an accused in connection with Ara
Nawada P.S. Case No. 407 of 2015 registered under Sections
147, 148, 149, 323, 307, 302, 337 and 504 of the Indian Penal
Code, pending in the Court of learned C.J.M., Bhojpur at Ara.

The prosecution story, in brief, is that on the alleged
date and time of the occurrence, the informant along with his
son Ajit Kumar was returning his house after distributing milk
through a lane leads to K.G. Road near Chamili Kothi and when
both of them reached near the house of Sumeet Singh, he found
that the petitioner along with other co-accused surrounded them
and started assaulting to Ajit Kumar to which he fell down and

when the informant tried to save his son then co-accused Rohit and Raj Kamal assaulted him by means of fists and slaps and in the meantime accused Sumeet Singh hit on head of Ajit Singh twin breaks causing grievous injury and has become unconscious. Ajit Kumar succumbed to his injury when he was in way of hospital.

It is submitted on behalf of the petitioner and the petitioner is in custody since 04.12.2015. Charge-sheet has been submitted in this case. The petitioner has got no criminal antecedent. On the occasion of the declaration of result of election free fighting is alleged to have taken place between the supporters of political parties. Brick batting has taken place in which the deceased sustained injury on his head and succumbed to the said injury. The petitioner is said to be the author of the said injury. The petitioner has no intention to cause death of the deceased. It can be at best a case for an offence under Section 304 I.P.C. No source of identification has been disclosed by the prosecution.

On behalf of the learned counsel for the State and learned counsel for informant it is submitted that the petitioner is named in the F.I.R. and he is the author of the fatal injury caused on the head of the deceased. The said allegation is

supported by the other witnesses, whose statements have been recorded in paras 14, 78 and 93 of the case diary.

Considering the aforesaid facts and circumstances of the case, I am not inclined to grant bail to the petitioner and the same is rejected.

If the petitioner, so advised, he may renew his prayer for bail after completion of nine months in custody i.e. from 04.12.2015.

(Sudhir Singh, J)

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