

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.19036 of 2016

Arising Out of PS.Case No. -70 Year- 2012 Thana -GANGABRIDGE District-
VAISHALI(HAJIPUR)

=====

Bhuneshwar Rai, S/o Late Sant Lal Rai, resident of Village- Tersia, P.S.
Ganga Bridge, District- Vaishali.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.

For the Opposite Party/s : Mr.

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**CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR
MISHRA**

ORAL ORDER

3 12-07-2016 Heard learned counsel for the petitioner and the

learned A.P.P. for the State.

The petitioner seeks bail in connection with Ganga
Bridge P.S. Case No.70 of 2012 registered under Sections 341,
323, 324, 307 and 302/34 of the Indian Penal Code besides
Section 27 of the Arms Act.

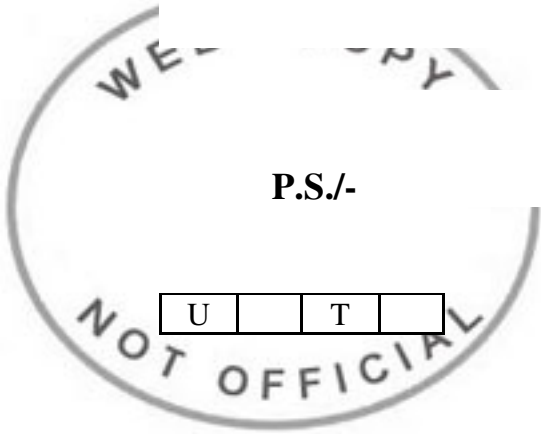
The allegation of the informant Chandra Deep Rai is
that on 04.08.2012 in the morning, he heard ‘hulla’ about dashing
of his nephew Ganga Rai through motorcycle by this petitioner
causing injury to him. Thereafter, the son of the informant
Ramsagar Rai went there then co-accused Kamta Rai and
Muneshwar Rai caught hold of both hands of the son of the

informant and this petitioner gave a Daab blow at the stomach/chest of Ramsagar Rai, the son of the informant, causing blood oozing injury to him. Later on, the son of the informant died. At the place of occurrence, 7-8 unknown persons armed with lathi and bhala were also present.

Learned counsel appearing on behalf of the petitioner submits that it would appear from the F.I.R. and the case diary that the informant is not an eye witness to the occurrence. While the allegation against the petitioner has been made in the F.I.R. that this petitioner gave a Daab blow at the stomach/chest of the informant but the post-mortem report of the deceased, the son of the informant, shows that one incised penetrating wound measuring 1½" X 1/4" communicating towards heart caused by sharp pointed heavily weapon was found on his person which is suffice to disbelieve the allegation of the informant that this petitioner caused injury to his son through Daab, i.e., sharp cutting weapon. The petitioner is in custody since 20.01.2016.

Having regard to the facts and the circumstances of the case, the petitioner, above named, is directed to be released on bail on furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the Sessions Judge, Vaishali at Hajipur, in connection with Ganga

Bridge P.S. Case No.70 of 2012 (Sessions Trial No.364 of
2015/55 of 2016).



(Rajendra Kumar Mishra, J)