

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.45851 of 2015

Arising Out of PS.Case No. -195 Year- 2014 Thana -BIHRA District- SAHARSA

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1. Pradeep Kumar Thakur @ Lallu Thakur @ Pradeep Thakur @ Pradeep Kumar S/o Ram Kumar Thakur Resident of village - Barahsher, P.S. Bihra, District - Saharsa

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bhaskar Shankar

For the Opposite Party/s : Mr. Binod Kumar (App)

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

4 01-03-2016

Heard the learned counsel for the petitioner, the learned A.P.P for the State as also the learned counsel for the Informant.

The petitioner seeks bail in a case for the offences punishable under sections 302, 307, 147, 148, 149, 341, 323, 324, 325, 385 and 506 of the I.P.C

Allegedly, the petitioner and other co-accused abused and assaulted the informant and his uncle with Lathi, Danda, Farsa and iron rod and in the occurrence the petitioner assaulted with iron rod on the head of uncle of the informant with an intention to kill him and co-accused Deepak Thakur assaulted the informant by Farsa on his head and when the uncle of the informant was brought to hospital he died.

Submission is of false implication and that due to the

earlier dispute specific allegation has been attributed against the petitioner which is not reliable, at one hand it is alleged that all the accused persons were assaulting to the informant and his uncle and thereafter specific allegation has been attributed against the petitioner, during investigation the independent witnesses have not supported the prosecution version and the medical evidence is also not consistent and as such the petitioner who is suffering in custody since 10.08.2015 deserves sympathetic consideration, to which the learned A.P.P. duly assisted by the learned counsel for the informant seriously opposes prayer for bail by submitting that the petitioner is the assailant and during postmortem also the allegation finds corroboration.

In the facts and circumstances as stated above, considering that the petitioner is the assailant and as such this Court is not inclined to enlarge the petitioner on bail and accordingly his such prayer stands rejected in connection with Bihra P.S. Case No. 195 of 2014 pending in the court of Sri V.N. Prasad, J.M. 1st Class, Saharsa.

(Jitendra Mohan Sharma, J)

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