

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.54610 of 2015

Arising Out of PS.Case No. -69 Year- 2013 Thana -BOCHHA District- MUZAFFARPUR

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Manjay Kumar @ Manjay Rai S/o Kuldip Rai

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Raj Bansh Dubey, Advocate

For the Opposite Party/s : Mr. M.K. Nirala (App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

3 07-04-2016

Heard learned counsels for the petitioner and the

State.

The petitioner, who is languishing in custody since 09.04.2014, has renewed the prayer for bail in a case registered for the offences punishable under sections 341/323/307/302/34 of the Indian Penal Code.

Earlier the prayer for bail of the petitioner was once rejected by a co-ordinate Bench of this Court (now retired) vide Criminal Miscellaneous No.52595/2013 and, thereafter, the petitioner preferred second application for bail which was also rejected vide Criminal Miscellaneous No.41435/2014 by another co-ordinate Bench of this Court but since the concerned Bench is not available due to medical exigency, hence, the matter has been placed before this Court in view of the administrative order dated

24.02.2016 of Hon'ble the Acting Chief Justice, the same is kept on "Flag-P".

Prosecution case is that on 23.02.2013 at 6.00 PM when the informant Sunil Kumar came out of his house then his neighbor Arjun Roy, Kuldeep Roy and the petitioner Manjay Kumar attacked on the informant. In the meantime, the sister of the informant Anjali Kumari and younger brother Anil Kumar came to rescue then this petitioner assaulted with 'farsa' on the head of the sister of the informant causing cut injury when Arju Roy assaulted with a piece of 'Patti' causing cut injury whereas Kuldeep Roy assaulted with 'lota'. Subsequently, the sister of the informant Anjali Kumari succumbed to the injuries.

It is submitted by learned counsel for the petitioner that post-mortem report of the victim reflects one lacerated injury on the head causing fracture of the right parietal bone and abrasion on right upper part of back portion of head. The injury has been found caused by hard and blunt substance whereas the petitioner alleged to have assaulted with sharp cutting weapon. Co-accused Arjun Rai, who assaulted with 'patti' (piece of wood) has been granted bail by a co-ordinate Bench of this Court vide Criminal Miscellaneous No.43871/2014. There is counter version of the occurrence and petitioner's side has also received

injuries.

The report of learned Additional District and Sessions Judge reflects that out of 11 charge-sheet witnesses only one has been examined hence there is no likelihood of concluding the trial in near future.

Considering the facts that the accusation with respect to the petitioner is not corroborated with the medical opinion and there is no likelihood of concluding the trial in near future, let the above named petitioner be released on bail, on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, 1st Class, Muzaffarpur, in connection with Bochaha P.S. Case No.69/2013.

(Dinesh Kumar Singh, J)

Ashwini/-

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