

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.53335 of 2015

Arising Out of PS.Case No. -18 Year- 2015 Thana -KOTHI District- GAYA

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1. Ajeet Das Son of Ram Chander Das Resident of Village- samad, P.s
Kothi, Dist-Gaya.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. S. Jamil Akhtar, Advocate.

For the Opposite Party/s : Mr. Madhura Nand Jha (APP)

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**CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN
SHARMA**

ORAL ORDER

3 15-01-2016

Heard the learned counsel for the petitioner as well as
the learned A.P.P.

The petitioner seeks bail in a case for the offence
punishable under section 302/34 of the I.P.C

Allegedly, the petitioner and other co-accused on the
plea of practicing witchcraft brought the father of the informant
from the house and when the father of the informant objected then
on the order of co-accused Ramchandra Das the petitioner and co-
accused Vijay Das strangled him with rope and when the wife
of the informant tried to rescue him they started abusing and
assaulting her and when the villagers assembled they fled away
but in the meantime Barho Bhuiya, father of the informant, died.

Submission is of false implication and that the
medical evidence does not support the prosecution version, as a

matter of fact, the father of the informant was alcoholic and after taking drink in the state of intoxication he fell down resulting due to injury caused on his head he died and it was an accidental death, the doctor who has conducted the postmortem examination has found the cause death due to head injury in the state of alcoholic intoxication, the witnesses examined during investigation have also stated that the petitioner pushed Barho Bhuiya resulting he fell down and died and as such there was no motive for killing the deceased.

The learned A.P.P. opposes prayer for bail by submitting that all the witnesses have stated that it was the petitioner who started assaulting Barho Bhuiya, an old man, and pushed him down causing head injury.

In the facts and circumstances as stated above, considering the allegation attributed against the petitioner that he caused the death of the deceased, this Court is not inclined to enlarge the petitioner on bail and accordingly his such prayer stands rejected in connection with Kothi P.S. Case No. 18 of 2015 pending in the court of Sri Narendar Pal, J.M. 1st Class, Sherghati, Gaya.

(Jitendra Mohan Sharma, J)

Abhay/-

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