

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.15673 of 2015

Arising Out of PS.Case No. -494 Year- 2014 Thana -SITAMARHI District- SITAMARHI

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Gagandeo Rai, son of Nathuni Rai, Resident of Village- Bariarpur Tole
Lapati, Police Station- Sitamarhi, District- Sitamarhi.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

Appearance :

For the Petitioner/s : Mr. Raghwendra Kumar

For the Opposite Party/s : Mr. None.

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

10 10-08-2016 Heard Sri Radha Mohan Singh, learned counsel,

who has appeared, on instruction of Sri Raghwendra Kumar,

learned counsel (now Law Officer), on behalf of the petitioner.

None appeared on behalf of the State.

The petitioner, who is in custody in Sitamarhi P.S.

Case No.494 of 2014 registered for the offence under Section 302

and other allied Sections of the Indian Penal Code, has prayed for

grant of bail.

It was submitted by learned counsel for the

petitioner that in the F.I.R., though there is specific accusation that

the petitioner gave *Farsa* blow on the head of father of the

informant, during postmortem examination, no incised injury was

found. He further submits that the doctor has opined that the injury

was found caused by hard and blunt substance. It has been argued that the petitioner is in custody since 28.06.2014. On the aforesaid ground, a prayer has been made for granting bail to the petitioner.

On perusal of the F.I.R., it is evident that there is specific accusation against the petitioner showing that he was the main assailant. So far as the point for injury report is concerned, at this juncture it could not be definitely opined as to whether the submission of learned counsel for the petitioner is correct or not. In the F.I.R., there is allegation of giving Farsa blow on the head of father of the informant, but it has not been indicated as to whether it was used from back side or front side. Such thing can be examined at the stage of trial, not at this stage.

The petition stands dismissed.

(Rakesh Kumar, J)

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