

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.28469 of 2016

Arising Out of PS.Case No. -84 Year- 2016 Thana -PARWATTA District- KHAGARIA

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Birendra Kumar @ Biro Mandal Son of Late Manohar Mandal Resident of
Village Kolwara, P.S. Maraiya Parbatta), District Khagaria.

.... Petitioner

Versus

The State of Bihar.

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Mrityunjay Kumar, Advocate

For the Opposite Party : Mr. Nawal Kishore Prasad, APP

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA
ORAL ORDER

4 24-10-2016

Heard.

Petitioner and some others are named in the First Information Report on the accusation that he mercilessly assaulted the deceased and one Sattan Mandal levelling allegation of theft of goat. Subsequently, deceased died. The petitioner also lodged Parbatta (Maraiya) P.S.Case No.85 of 2016 against Sattan Mandal and deceased of the aforesaid case. Petitioner admitted that deceased and Sattan Mandal were caught by few persons and after that they were handed over to the police. The statement of Sattan Mandal has not been recorded in the present case but his statement was recorded by the investigating officer at para-16 of Parbatta P.S.Case No.85 of 2016 in which he specifically stated that he as well deceased Md. Amir were badly assaulted by petitioner and

other FIR named accused persons. The postmortem of deceased goes to show that several injuries were found on his person. No doubt, two co-accused persons, having more or less similar allegation, have already been granted privilege of bail by different Benches of this Court, but in my view, it is not a fit case for grant of bail to above named petitioner and therefore taking note of the above stated facts as well as injuries found on the person of the deceased, the prayer for bail of petitioner stands rejected, at least, at this stage in connection with Parbatta (Maraiya) P.S.Case No.84 of 2016 pending in the court of ACJM-Ist, Khagaria.

However, if the trial of the petitioner is not concluded within six months from the date of receipt/production of a copy of this order, the petitioner may renew his prayer for bail before the learned trial Court itself.

(Hemant Kumar Srivastava, J)

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