

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.40874 of 2016

Arising Out of PS.Case No. -114 Year- 2016 Thana -ROHTAS District- SASARAM (ROHTAS)

=====

Lalan Kumar son of Late Munshi Sah resident of Village- Pathkoliya, P.S.-
Rohtas, District- Rohtas.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Babita Kumari

For the Opposite Party/s : Mr. Shyam Kumar Singh

=====

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR

ORAL ORDER

3 13-12-2016 Heard learned counsel for the petitioner and learned
counsel for the State.

Petitioner is accused in connection with Rohtas P.S.
Case No. 114 of 2016 registered under Sections 147, 148, 149,
341, 323, 325, 307 of the I.P.C. and ¾ Dain Act. Later on, section
302 of the I.P.C. was added.

10 F.I.R. named accused persons blamed to the
mother of the informant that she is a witch and committed assault
against the mother of the informant, who died subsequently. The
Postmortem Report reveals that Doctor has found only two
lacerated wounds on the forehead and head of the deceased,
besides one injury at the forearm and one multiple abrasion at the
left side of leg.



Submission of learned counsel for the petitioner is that it is difficult to attribute as to who, out of 10, caused two head injuries, which was cause of death. Moreover, there is allegation of commission of injury in the eyes of the deceased but the Postmortem Report does not reveal that any injury at or in the eyes was found. There is counter case also, which would reveal that death was caused to the petitioner's side also.

Learned counsel for the informant submits that the Police has submitted final form in the counter case.

Considering the fact that prosecution allegation is not consistent with the Medical Report and general and omnibus allegation against the petitioner and nine other accused persons, the above named petitioner is directed to 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 Judicial Magistrate, 1st Class, Dehri- on-sone in connection with Rohtas P.S. Case No. 114 of 2016.

(Birendra Kumar, J)

Shail/-

U		T	
---	--	---	--

