

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.51052 of 2016

Arising Out of PS.Case No. -139 Year- 2016 Thana -DHURAIYA District- BANKA

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Nitish Kumar @ Nitish Kumar Yadav Son of Upendra Yadav resident of
village Raghunikitta, P.S. Dhoraiya, District- Banka.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Vibhakar Kumar

For the Opposite Party/s : Mr. Rajesh Kumar

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 28-11-2016 Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner seeks bail in a case instituted under
Sections 147, 148, 149, 323, 341, 324, 307 and 302 of the Indian
Penal Code.

The allegation against the petitioner is of assaulting
upon the head of the husband of the informant by means of iron
rod, causing his death.

It has been submitted on behalf of the petitioner that the
petitioner is in custody since 02.07.2016. The charge sheet has
been submitted in the present case. The petitioner has got no
criminal antecedent. There is no allegation of tampering of
witnesses alleged against the petitioner. He has falsely been



implicated in the present case. There is allegation of giving a single iron rod blow on the head of the deceased. There is no repetition of blow alleged against the petitioner.

On behalf of the state, it has been submitted that the petitioner is named in the F.I.R. There is specific allegation of assaulting by iron rod on the head of the deceased. The postmortem report also supports the said allegation.

Considering the aforesaid facts and circumstances, I am not inclined to grant bail to the petitioner. The same is rejected in connection with Dhoraiya P.S. Case No. 139 of 2016, arising out of S.T. No. 227 of 2016, pending in the court of Additional Sessions Judge-IV, Banka.

(Sudhir Singh, J.)

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