

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.37698 of 2016

Arising Out of PS.Case No. -47 Year- 2016 Thana -CHAND District- BHABHUA (KAIMUR)

1. Manish Churi Farosh son of Mumtaz Churi Farosh resident of village Karwandiya, P.S Chand, District - Kaimur at Bhabua.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pawan Kumar Singh

For the Opposite Party/s : Mr. Smt. Anita Kumari Singh

CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR SRIVASTAVA
ORAL ORDER

03 08-11-2016

Heard learned counsel for the petitioner, learned counsel for the informant as well as learned Additional Public Prosecutor for the State.

It would appear from perusal of the written report of the informant as well as materials available in the case diary that childish quarrel took place on account of playing of cricket and when deceased went there to prevent the aforesaid quarrel, he was assaulted by F.I.R named accused. The written report of informant goes to show that one Samiuddin Ansari and petitioner assaulted the deceased by means of bats and wickets respectively on his head but in course of investigation, when re-statement of informant as well as some eye witnesses were recorded, the aforesaid witnesses stated that it was co-accused Samiuddin

Ansari, who gave first blow to the deceased and so far as petitioner is concerned, no specific overt act has been attributed against him by the so called eye witnesses as well as informant.

No doubt, the prayer for bail of co-accused Samiuddin Ansari has been rejected by a co-ordinate Bench of this Court vide order dated 22.10.2016 passed in Cr. Misc. No. 43135 of 2016 but the aforesaid Bench also observed in the said order that it was co-accused Samiuddin Ansari, who gave first blow to the deceased.

Accordingly, let the petitioner, above named, be released on bail on furnishing bail bonds of Rs. 10,000/- with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate 1st class, Kaimur at Bhabhua in connection with Chand P.S. Case No. 47 of 2016.

(Hemant Kumar Srivastava, J)

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