

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.46679 of 2016

Arising Out of PS.Case No. -17 Year- 2016 Thana -BHADWAR District- GAYA

Kasim Mian Son of Rojid Mian Resident of Vill- Narayanpur, P.S.-
Maigra, District- Gays

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ashhar Mustafa

For the Opposite Party/s : Mr. Sri Anil Prasad Singh

CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR
MANDAL
ORAL ORDER

3 22-11-2016 Heard Mr. Ashhar Mustafa for the petitioner and Mr.
Dayal, learned APP for the State.

The petitioner is facing prosecution under section 307
IPC vide Bhadwar P.S. Case No. 17 of 2016.

The wife and this petitioner, according to the FIR,
hatched a conspiracy to do away with the informant. While he
was sleeping with his wife, it is alleged that the wife, along with
this petitioner, made murderous attempt to kill him (informant)
by putting/stuffing clothe into his mouth and covering the face
with a pillow. However, he escaped and raised a Hulla
whereafter a search of the house was carried out and the petitioner
was found hidden in the room.

The contention of the petitioner is that the informant

received only a cut-injury on the lips. There is no supporting medical report. Actually, the wife was responsible for attempt to kill him as she had some affairs with another person. The petitioner is in custody since 05.08.2016. It is also submitted that the charge-sheet has already been submitted.

Learned APP opposed the prayer and submitted that not only the allegation of attempt to kill the informant is made against the petitioner but he was also found inside the room. There is no explanation of his presence in the house of the informant.

Considering the facts and circumstances of the case, the Court is not inclined to extend him the privilege of bail. Prayer is accordingly rejected.

The petitioner shall have liberty to renew his prayer for bail after 05 months from today in the court below which shall be considered and disposed of on its own merit without being prejudiced by the present order in accordance with law.

(Kishore Kumar Mandal, J)

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