

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No. 7118 of 2016

Arising Out of PS.Case No. -317 Year- 2014 Thana -VAISHALI District- VAISHALI(HAJIPUR)

=====

Khomari Paswan S/o Late Chalitra Paswan, R/o Vill. Paunihasanpur, P.S. Vaishali, District Vaishali.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Kaushal Kishor

For the Opposite Party/s : Mr. S.D.Singh Yadav(App)

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

3. 12-04-2016 Heard Sri Kaushal Kishor, learned counsel for the petitioner and Sri S.D.Singh Yadav, learned Addl. Public Prosecutor.

The petitioner, who is in custody in Vaishali P.S. Case No. 317 of 2014 registered for the offence under Sections 302/34 of the Indian Penal Code, has prayed for grant of bail.

Learned counsel for the petitioner, while pressing the bail petition, submits that two contradictory accusations have been made in the F.I.R. He submits that firstly it was alleged that the petitioner had administered *todi* with poison to the deceased and second allegation has been made that subsequently this petitioner alongwith others arrived at the house of the deceased and assaulted him. Thereafter, he died. According to learned counsel for the petitioner, due to contradictory accusation, the petitioner is

entitled to be granted bail.

Learned Addl. Public Prosecutor, after examining the case diary, submits that the allegation is corroborated by the *post-mortem* examination report. He submits that there is specific accusation against the petitioner.

In view of facts and circumstances, I do not find any ground to grant bail.

The petition stands dismissed.

(Rakesh Kumar, J.)

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