

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.13007 of 2016

Arising Out of PS.Case No. -45 Year- 2015 Thana -DURGAWATI District- BHABHUA
(KAIMUR)

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Achche Kumar Bind, Son of Bishnu Bind, Resident of Village- Sariyaon,
Police Station- Durgawati, District- Kaimur.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Rajesh Kumar Pathak, Advocate.
For the Opposite Party : Mr. Sucheta Yadav (APP)

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**CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN
SHARMA**
ORAL ORDER

3 06-05-2016 Heard learned counsel for the petitioner and learned
A.P.P. representing the State.

The petitioner seeks bail in connection with
Durgawati P.S. Case No. 45 of 2015 (G.R. No. 565 of 2015)
registered for the offences punishable under Sections 341, 323,
447, 307/34 and 302 of the Indian Penal Code.

Allegedly, the petitioner started abusing Patiraj Bind,
the brother-in-law of the informant and thereafter assaulted him
with lathi on his head, resulting he fell down and became
unconscious. During treatment Patiraj Bind died.

Submission is of false implication and that no offence
punishable under Section 302 of the Indian Penal Code is made

out, there is no allegation that the petitioner repeated the blow, during postmortem no injury has been found on the head of the deceased, the deceased fell down in drinking position on stone and received spinal injury but due to village politics, the petitioner and others have been implicated, resulting that the petitioner is suffering in custody since 22.01.2016 and good sense has prevailed and the informant has filed compromised petition also in Court below.

Learned A.P.P. opposes the prayer of bail by submitting that the deceased died due to injury caused by hard and blunt substance and during investigation, the witnesses have supported the allegation.

In the facts and circumstances stated above, at this stage, I am not inclined to enlarge the petitioner on bail. Accordingly, his such prayer of bail stands rejected.

However, the petitioner may renew his prayer for bail after examination of the informant during trial.

(Jitendra Mohan Sharma, J.)

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