

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.45905 of 2015

Arising Out of PS.Case No. -138 Year- 2014 Thana -GOPALPUR District- PATNA

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1. Butan Prasad Son of Hriday Rai @ Hridaya Ram Resident of Village -
Ramdhanipur, Beiman Tola, Police Station - Gopalpur, District - Patna.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Uma Shankar Sharma

For the Opposite Party/s : Mr. Smt. Indu Kumari Srivastava(App)

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN
SHARMA
ORAL ORDER

4 29-02-2016

Heard the learned counsel for the petitioner as well as
the learned A.P.P for the State.

The petitioner seeks bail in a case for the offences
punishable under sections 302 and 120 B read with section 34 of
the I.P.C

Allegedly, the petitioner brought *Danda* from his
room and gave *Danda* blow on the head of Binay Ram resulting
he fell down and thereafter also the petitioner assaulted him
brutally causing his death.

Submission is of false implication and that there was
no intention to commit murder, the crime was committed on the
spur of the movement, the petitioner is a man of weak mind and
after the occurrence he did not flee away and was caught moving

with a *lathi* and as such the petitioner who is suffering in custody since 20.11.2014 deserves sympathetic consideration, to which the learned A.P.P. opposes by submitting that the petitioner is the assailant.

In the facts and circumstances as stated above, considering that the petitioner is the assailant and as such at this stage this Court is not inclined to enlarge the petitioner on bail and accordingly his such prayer stands rejected in connection with Sessions Trial No. 206 of 2015 arising out of Gopalpur P.S. Case No. 138 of 2014 pending in the court of the Additional Sessions Judge-VIII, Patna.

(Jitendra Mohan Sharma, J)

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