

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.57760 of 2015

Arising Out of PS.Case No. -67 Year- 2015 Thana -BACHWARA District- BEGUSARAI

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1. Devendra Rai S/o Hari Narayan Rai, resident of village- Bishanpur, P.S.-
Bachhawara, District- Begusarai

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bhaskar Shankar

For the Opposite Party/s : Mr. Nagendra Prasad (App)

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

4 24-02-2016 Heard learned counsel for the petitioner and learned
A.P.P. representing the State.

The petitioner seeks bail in connection with
Bachhawara P.S. Case No. 67 of 2015 registered for the offences
punishable under Sections 302, 504, 323, 447, 147, 148, and 149
of the Indian Penal Code.

Allegedly, the petitioner assaulted on the head of the
husband of the informant with piece of bamboo causing rapture
and bleeding. In the way to Sadar Hospital, Begusarai the husband
of the informant died. The occurrence is said to have taken place
due to land dispute.

Submission is of false implication and that there was
free fight between the parties, there is case and counter case, both

sides have received injuries, during investigation it has come that other accused persons earlier assaulted with fist, slap, lathi-danda and then the petitioner assaulted the husband of the informant and during post mortem only one injury has been found and as such a case under Section 304 part (ii) IPC is made out and the petitioner who is suffering in custody since 17.4.2015 deserves sympathetic consideration to which learned A.P.P. duly assisted by learned counsel for the informant opposes by submitting that the petitioner is the assailant.

In the facts and circumstances stated above, considering that the petitioner is the assailant, at this stage, this court is not inclined to enlarge the petitioner on bail and accordingly, his such prayer stands rejected.

(Jitendra Mohan Sharma, J)

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