

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.41905 of 2016

Arising Out of PS.Case No. -113 Year- 2016 Thana -SHASTRINAGAR District- PATNA

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1. Diwakar Singh Son of Sri Nand Kumar Singh Resident of Village -
Makandpur, P.S- Nathnagar, District- Bhagalpur at present Adarsh Nagar,
Phulwarisharif Raod No 3, Patna, P.S- Phulwarisharif District - Patna

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Amit Kumar

For the Opposite Party/s : Mr. Sri Shantanu Kumar

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

2 17-10-2016 Heard the learned counsel for the petitioner and

the learned A.P.P. representing the State.

The petitioner seeks bail in connection with
Shastrinagar P.S. Case No. 113 of 2016 registered for the
offences punishable under Sections 364 and 302/34 of the
Indian Penal Code.

Allegedly, Danish was found seriously injured in
Gatewell Hospital and Danish told the informant regarding
incident that the petitioner and one Radhesarkar @ Monu
surrounded him and took him seated on their motorcycle and
brought at Mahuabag, P.S. Rupaspur where 20-25 unknown
boys were present and all of them started assaulting with belt,

legs, fists, danda, bricks, rod, blade and knife and thereafter, threw him near Bakri Bazar at Jagdeo Path. Later on, Danish died in Paras Hospital.

Submission is of false implication and that police has not recorded the statement of Danish either at Gatewell Hospital or at P.M.C.H. or at Paras Hospital and after the death of Danish, this F.I.R. has been lodged with wrong and false allegation. No reliance can be placed on the statement of the informant. Admittedly, the occurrence took place due to dispute between the boys of Samanpura and Mahuabagh and, as such, the petitioner deserves sympathetic consideration to which the learned APP seriously opposes.

In the facts and circumstances stated above, considering that the deceased before his death stated the name of the petitioner and co-accused that they brought him at Mahuabag where he was assaulted brutally and, as such, finding the allegation attributed against the petitioner, serious in nature, this Court is not inclined to enlarge the petitioner on bail and accordingly, his such prayer stands rejected in connection with Shastrinagar P.S. Case No. 113 of 2016 pending in the court of learned Additional Sessions Judge-X, Patna.

However, considering detention of the petitioner, let the trial be expedited and concluded as early as possible preferably within nine months from the date of receipt / production of a copy of this order.

(Jitendra Mohan Sharma, J)

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