

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.7358 of 2016

Arising Out of PS.Case No. -93 Year- 2015 Thana -BANGAON District- SAHARSA

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1. Balram Khan Son of Late Anugrah Khan, Resident of Village - Parari,
P.S. - Bangaon, District - Saharsa.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Anuj Kumar

For the Opposite Party/s : Mr. Dr.Ajit Kumar(App)

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA
ORAL ORDER

3 26-02-2016 Heard learned counsel for the petitioner, learned

counsel for the informant as well as learned Additional Public

Prosecutor for the State.

Petitioner is named in the first information report

and it is the case of the prosecution that when deceased was going

along with informant, petitioner and several other F.I.R. named

accused as well as unknown persons encircled the deceased and

thereafter, he was made to sit in a bolero and he was taken away

from there and subsequently, badly assaulted and while he was

being taken to hospital, he died on his way.

The contention on behalf of the petitioner is that no

doubt, petitioner is named but there is only allegation against him

that he encircled the deceased along with other accused and so far

as allegation of taking away the deceased is concerned, the same is against co-accused, Rupesh Khan, Ajay Khan and Abhay Khan and, therefore, the aforesaid fact clearly goes to show that petitioner had not participated in the story of assault.

On the other hand, learned counsel appearing for the informant referred para-95 of the case diary and submits that the driver of a tempo in which deceased was going at the time of alleged occurrence clearly stated that deceased was dragged by the petitioner and others and thereafter, he was taken away in a bolero and furthermore, the aforesaid witness also claimed that he had seen the petitioner and others assaulting the deceased.

The post mortem report of the deceased reveals that several injuries were found on his person.

Regard being had to the aforesaid facts and circumstances as well as submissions of the parties, I am not inclined to release the petitioner on bail and hence, his prayer for bail in connection with Bangaon P.S. Case No. 93 of 2015 pending in the court of Chief Judicial Magistrate, Saharsa stands rejected.

(Hemant Kumar Srivastava, J)

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