

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.42544 of 2016

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1. Sadre Alam, Son of Sk. Ijrail, Resident of Villlage- Jaisinghpur Retwa
Tola, Police Station- Turkauliya, District- East Champaran.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ram Adya Singh

For the Opposite Party/s : Mr. Smt. Pronati Singh

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA
ORAL ORDER

3 07-12-2016 Heard learned counsel for the petitioner as well as

learned Additional Public Prosecutor for the State.

Petitioner and two F.I.R named accused are said to have
given farsa blow causing head injury to the deceased. The post
mortem report of the deceased reveals that three injuries were
found on the head of the deceased.

Submission on behalf of the petitioner is that the
prosecution party was aggressor and, as a matter of fact, under the
leadership of deceased, who was a notorious criminal, more than
30 to 35 persons came and made attempt to grab the land of
defence party to which protest was made and, thereafter, free fight
took place between the parties and in that course, deceased
unfortunately, got severe injuries and he died. It is also pointed out



that one Manjar Alam, who happens to be member of defence party, also sustained grievous injury in the aforesaid occurrence. Learned counsel for the petitioner further points out that the informant in his written report has given a minute detail of assault and stated that blow of co-accused Safi Ahamed caused injury on back portion of scalp of deceased and, similarly, the blow of co-accused Sk. Matiur Rahman hit the mid portion of head of the deceased but in respect of blow of the petitioner, a vague statement was made to the effect that the blow of the petitioner hit on the head of the deceased and, therefore, the aforesaid circumstance goes to show the false implication of the petitioner.

Learned counsel for the State opposed the prayer for bail of the petitioner and points out that having more or less similar allegation, the prayer for bail of the co-accused Sheikh @ Sk. Safi Ahmed has already been rejected by a co-ordinate Bench of this Court vide order dated 05.08.2016 passed in Cr. Misc. No. 23941 of 2016.

Considering 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 Turkauliya P.S.Case No. 771 of 2015, pending in the court of



learned Chief Judicial Magistrate, Motihari, East Champaran
stands rejected, at least, at this stage.

However, petitioner may renew his prayer for bail after
framing of charge.

(Hemant Kumar Srivastava, J)

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