

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.49390 of 2015

Arising Out of PS.Case No. -97 Year- 2015 Thana -WARSALIGANJ District- NAWADA

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1. Arjun Singh Son of Late Basudeo Singh, R/o Vill. - Daulatpur, P.S. - Warsaliganj, District - Nawada.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Amresh Kumar Sinha

For the Opposite Party/s : Mr. Sadanand Paswan (Spl. Pp)

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

3 02-02-2016 Heard learned counsel for the petitioner and learned counsel representing the State.

Petitioner seeks bail in connection with Warsaliganj P.S. Case No. 97 of 2015 registered for the offences punishable under Sections 302, 307/34 of the Indian Penal Code and Section 2 (v) of SC/ST (Prevention of Atrocities) Act.

Allegedly, Rama Chaudhary, the grandfather of the informant, was killed by the petitioner and other two co-accused and dead body was thrown and when Sudhir Chaudhary, the uncle of the informant, had gone there, he was also assaulted by them.

Submission is of false implication and that the informant is not an eye witness, during investigation also no independent

witness has come forward as an eye witness and after seven days of the occurrence injured Sudhir Chaudhary has stated as an eye witness alleging that the petitioner was pressing the neck of the deceased. The statement of Sudhir Chaudhary appears not reliable as the doctor who has examined him has found injury caused by sharp cutting object whereas he alleged that he was assaulted by lathi and danda and as such the petitioner who is suffering in custody since 09.07.2015 deserves sympathetic consideration to which the learned APP opposes by submitting that Sudhir Chaudhary being an eye witness has stated as to how Rama Chaudhary was killed and the doctor has found 5th and 6th vertebra fractured on the person of the deceased.

In the facts and circumstances stated above, considering that Sudhir Chaudhary being injured has stated the name of the petitioner that he was pressing the neck of Rama Chaudhary at the time of occurrence which finds support from medical evidence also and as such this Court is not inclined to enlarge the petitioner on bail, accordingly, his such prayer stands rejected.

(Jitendra Mohan Sharma, J)

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