

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.43776 of 2016

Arising Out of PS.Case No. -265 Year- 2016 Thana -SIWAN MUFFASIL District- SIWAN

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1. Rahul Kumar S/o Naresh Bhagat, resident of Village- Molanapur, P.S.-
Siwan Mufassil, District- Siwan.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Gajendra Kumar Singh, Advocate

For the Opposite Party/s : Mr. Sri Uday Chand Prasad, APP

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CORAM: HONOURABLE MR. JUSTICE ADITYA KUMAR TRIVEDI
ORAL ORDER

2 06-10-2016 Heard learned counsel for the petitioner as well as

learned APP for the State.

Informant/injured while was sleeping at his Darwaza, on
12.06.2016 at about 3:00 a.m., his co-villager, Rahul Kumar
(petitioner), Sanjay Manjhi, Krishna, Bachcha armed variously
came and began to assault. During midst thereof, it has been
alleged that Rahul Kumar gave a *Chhura* blow, on account of
which, informant became severely injured. On hue and cry, his
family members came and was accordingly lifted to Sadar
Hospital and from there he was referred to PMCH. Annexure-2 is
the injury report wherefrom it is evident that the informant has
sustained grievous injury over lower part of abdomen having
dimension of 3"x1/2"xViscera Deep.

Learned counsel for the petitioner has submitted that

this case does not fall within the ambit of 307 of the IPC in the background of the fact that had there been an intention at the end of the petitioner, he might have committed murder at the first instance itself while the informant was sleeping. Furthermore, it has also been submitted that proper identification would not have been in the background of occurrence having been alleged at 3:00 a.m. So submitted that petitioner should be released on bail.

Learned APP opposed the prayer for bail.

I do not wish to explain whether the informant being a co-villager was capable to identify the petitioner and others that too at 3:00 a.m. of the month of June. In likewise manner, I do not wish to express my view whether single injury of the present nature could attract applicability of Section 307 or 326 of the IPC.

For the present, I do not find favour with the submission made on behalf of petitioner. Consequent thereupon, prayer for bail of the petitioner is rejected.

(Aditya Kumar Trivedi, J)

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