

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.12682 of 2016

Arising Out of PS.Case No. -275 Year- 2015 Thana -KUDRA District- BHABHUA (KAIMUR)

Tulsi Musahar Son of Gulli Musahar resident of village - Akodhi, P.S.
Kudra, District - Kaimur at Bhabua

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Tribhuwan Narayan, Adv.

For the Opposite Party/s : Mr. Manish Kr. 2(App)

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

3 05-05-2016 Heard the learned counsel for the petitioner as well as
the learned A.P.P. for the State.

The petitioner seeks bail in connection with Kudra P.S.
Case no. 275/2015, G.R. No. 2495/15 registered for the offence
punishable under Section 302 of the Indian Penal Code.

Allegedly, the petitioner assaulted Gullu Musahar the
son of the informant with back portion of Rami on his stomach
near umbilicus and thereafter he was treated and he became cured,
but later on he complained pain and when he was being brought
for treatment he died.

Submission is that occurrence is of 29.10.2015 whereas,
fardbeyan has been given on 01.11.2015, no offence punishable
under Section 302 I.P.C. is made out, at best it can be a case under

Section 304 part 2 I.P.C. However, the informant has filed a compromise petition also in the learned court below vide annexure 2 and as such the petitioner suffering in custody since 22.12.2015 deserves sympathetic consideration.

Learned A.P.P. opposes the prayer of bail by submitting that during postmortem corresponding injuries have been found.

In the facts and circumstances as stated above, at this stage I am not inclined to enlarge the petitioner on bail and accordingly, his such prayer stands rejected. However, the petitioner may renew his prayer for bail after examination of informant during trial.

(Jitendra Mohan Sharma, J.)

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