

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.49610 of 2016**

Arising Out of PS.Case No. -263 Year- 2016 Thana -JAMUI District- JAMUI

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Kapildeo Sao Meghan Sao Village- Chhathu Dhanama, P.S.- and District-  
Jamui.

.... .... Petitioner/s

Versus

The State of Bihar

.... .... Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Narsingh Tanti

For the Opposite Party/s : Mr. Sri Sanjay Kumar Tiwary

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**CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR**  
**MANDAL**  
**ORAL ORDER**

2      09-12-2016                      Heard Mr. Neeraj Kr. Sinha for the petitioner, counsel  
for the informant as well as Mr. Dayal, learned APP for the State.

The petitioner prays for bail in Jamui P.S. Case No. 263  
of 2016 registered under section 302/34 IPC.

The petitioner along with six others are named in the  
FIR lodged by the father of the deceased. The allegation is that  
the co-accused Subal Yadav, on the relevant date and time, took  
the son of the informant and thereafter he heard a Hulla and  
followed them only to find that the petitioner along with others  
were brutally assaulting his son as a result whereof he succumbed  
to his injuries.

The contention of the petitioner is that the informant has  
wrongly claimed himself as an eye-witness. In course of



investigation, different story has come up which provides the motive of the occurrence and the post mortem report does not wholly corroborates the prosecution case. It is also highlighted that the doctor in his opinion has not recorded as to the nature of the weapon used to assault the victim/deceased. It is also submitted that the petitioner is in custody since 09.09.2016.

Counsel for the State as well as the informant, on the other hand, submitted with reference to the FIR as well as the impugned order that the deceased was done to death by the accused persons named in the FIR in a very brutal manner. The doctor found several injuries on the person of the deceased.

Looking to the manner in which the occurrence has been committed and other materials reflected from the records, the Court is not inclined to extend the privilege of bail to the petitioner. Prayer is accordingly rejected.

**(Kishore Kumar Mandal, J)**

HR/-

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