

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.58488 of 2015

Arising Out of PS.Case No. -2 Year- 2015 Thana -BARABAR TOURIST District- JEHANABAD

Prem Kumar @ Azad S/O Kamlesh Paswan Resident of Village - Ramdani
, P.S. - Kako , Dist - Jehanabad.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Kulanand Jha, Advocate

For the Opposite Party/s : Mr. Gajendra Pd.Yadav(App)

CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

3 24-02-2016 Heard learned counsel for the petitioner and learned
A.P.P. representing the State.

The petitioner seeks bail in connection with Barabar Tourist P.S. Case No. 02 of 2015 registered for the offence punishable under Section 302 of the Indian Penal Code.

Allegedly, in between the petitioner and Bimlesh Kumar, younger brother of the informant, altercation started and then the informant saw Bimlesh Kumar @ Ashwin Kumar bleeding from his chest and the petitioner was having knife in his hand. During treatment Bimlesh Kumar @ Ashwin died.

Submission is of false implication and that the petitioner has got no concern with the alleged occurrence, he has got no criminal antecedent, he has been made victim of the

circumstance, he is in custody since 04.08.2015. As a matter of fact, Bimlesh Kumar picked up the kitchen knife to attack the petitioner and in self defence the petitioner tried to take the knife from the hand of Bimlesh but Bimlesh Kumar jumped upon him and during the fighting inadvertently Bimlesh Kumar himself was injured from his knife and, as such, the petitioner deserves sympathetic consideration. Chargesheet has already been submitted and there is no chance of tampering with the prosecution evidence

The learned A.P.P. opposes the prayer of bail by submitting that the petitioner is the assailant.

In the facts and circumstances stated above, considering the allegation attributed against the petitioner serious in nature, this Court is not inclined to enlarge the petitioner on bail at this stage and accordingly, his such prayer stands rejected.

(Jitendra Mohan Sharma, J)

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