

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.10206 of 2016

Arising Out of PS.Case No. -98 Year- 2015 Thana -GOVINDPUR District- NAWADA

1. Karu Ram Son of Sukar Ram, Resident of Village - Sughri, Police Staton
- Govindpur in the district of Nawada.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sushant Kumar, Advocate.

For the Opposite Party/s : Mr. S.M.Rahman(App)

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

4 23-05-2016 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner is languishing in jail custody since
24.10.2015 in a case registered for offences punishable under
sections 147, 148, 149, 302 and 201 of the Indian Penal Code.

The prosecution case is that on 22.01.2015 the
informant along with his brother, Indradeo Yadav went to village
Sughri to see durga Puja fair where the informant's brother
demanded dues money Rs. 5000/- from Rambali Ram of village-
Sughri upon which Rambali Ram started altercation with the
informant's brother and abused. In the meantime Mithu Ram,
Munni Ram, Karu Ram (petitioner), Ratan Ram, Naresh Ram,
Vijay Ram, and Chhotelal Ram surrounded the informant's



brother and hit him with lathi, Bhala, Tangti, Garasa upon which the informant and others wanted to pacify the matter but Ram Bali Ram inflicted a Tangi blow due to which he sustained injury on his neck and all the accused persons dragged the informant's brother to the house of Dewa Ram where Karu Ram assaulted the informant's brother on his head twice with tangi as a result of which the informant's brother died and all the accused persons threw his dead body in the paddy field with a view to conceal the evidence. It is also alleged that the wife of Dewa Ram, namely Baby Devi was washing the blood oozing out from the informant's brother with water with a view to conceal the evidence because Dewa Ram had assaulted the informant's brother with axe.

It has been submitted by the learned counsel for the petitioner that the injury on the deceased was caused by many accused persons and specific injury can not be attributed only to the petitioner. He further submits that he has a clean antecedent and has been falsely implicated due to local village politics. He further submits that no case under Section 302 of the I.P.C. is made out against him and only the interested witnesses have deposed against him.

Learned counsel for the petitioner also submits that although in the injury report there has been found several injury

but in the inquest report it has been found that there was only one injury.

However, learned A.P.P. for the State has submits that as per the inquest report, cause of the injury on the head of the informant's brother (deceased) has found to be inflicted by the petitioner and hence, opposes the prayer for bail.

Under such circumstances, I am not inclined to grant the privilege of bail to the petitioner in connection with Govindpur P.S.Case No. 98 of 2015 pending in the court of learned Additional Chief Judicial Magistrate, Nawada.

The prayer for bail, is accordingly rejected.

(Nilu Agrawal, J)

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