

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.36161 of 2017

Arising Out of PS.Case No. -107 Year- 2017 Thana -GIRIYAK District- NALANDA
(BIHARSHARIFF)

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Raju Kumar Son of Saryug Mahto Resident of Village- Lohrajpur, P.S.
Katri Sarai, District- Nalanda.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rakesh Kumar Sharma, Advocate

For the Opposite Party/s : Mr. Arun Kumar, APP

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 24-08-2017 Heard learned counsel for the petitioner and the

learned A.P.P. for the State.

Petitioner is languishing in judicial custody since
10.04.2017 in connection with Giriyak (Katri Sarai) P.S. Case No.
107 of 2017, G.R. No. 1295 of 2017 pending in the Court of Sri
Prabhakar Jha, learned Additional Chief Judicial Magistrate-VI,
Biharsharif (Nalanda) registered for the offence punishable under
Sections 302/34 of the Indian Penal Code.

The prosecution case, as lodged by the informant, is
that while she along with her son and husband was returning after
tying her cow in the cow-shed, all of a sudden eight accused
persons including the petitioner, who are her agnates and co-sharer



of the landed property, came variously armed with iron rod and bamboo stick and started indiscriminately beating the husband of the informant, who succumbed to the injuries. It is alleged that Arjun Prasad and Ganauri Prasad ordered to kill and co-accused Gauri Shankar and Priyanshu Kumar assaulted the husband of the informant. The cause of dispute was landed property.

It has been submitted by the learned counsel for the petitioner that he is innocent and has been falsely implicated in the aforesaid case. He submits that he has no criminal history and allegations are not specific, but general and omnibus against this petitioner. He submits that charge-sheet has already been submitted and there is no allegation of tampering with the prosecution witnesses by the petitioner.

However, learned A.P.P. for the State opposes the prayer for bail stating therein that all the accused persons vicariously had beaten the husband of the informant with special reference to some of the accused persons, hence, vehemently opposes the prayer for bail.

Considering the facts and circumstances and the materials on record, I am not inclined to grant the privilege of bail to the petitioner at this stage. This application is, accordingly,



rejected.

However, petitioner may renew his prayer for bail
after framing of the charge.

(Nilu Agrawal, J.)

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