

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.8467 of 2017

Arising Out of PS.Case No. -89 Year- 2016 Thana -BHAWANIPUR District- PURNIA

1. Mukesh Singh son of Late Naresh Prasad Singh @ Naresh Singh resident of Karmanchak, Police Station - Bhawanipur (Balua O.P.), District - Purnia.

..... Petitioner/s

Versus

1. The State of Bihar.

..... Opposite Party/s

with

Criminal Miscellaneous No.8444 of 2017

Arising Out of PS.Case No. -89 Year- 2016 Thana -BHAWANIPUR District- PURNIA

1. AWADHESH SINGH @ AWADHESH KR. SINGH Son of Late Naesh Prasad Singh @ Naresh Singh, Resident of Karmanchak, Police Station - Bhawanipur (Balua O.P.), District - Purnia.

..... Petitioner/s

Versus

1. The State of Bihar

..... Opposite Party/s

Appearance :

(In Cr.Misc. No.8467 of 2017)

For the Petitioner/s : Mr. Kanhaiya Prasad Singh, Sr. Advocate
Mr. Pritish Kumar Lal

For the Opposite Party/s : Mr. Sri Humayou Ahmad Khan

(In Cr.Misc. No.8444 of 2017)

For the Petitioner/s : Mr. Kanhaiya Prasad Singh, Sr. Advocate
Mr. Pritish Kumar Lal

For the Opposite Party/s: Mr. Sri Bharat Bhushan

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA

ORAL ORDER

4 19-04-2017

Heard both sides.

The petitioners seek bail in Bhawanipur (Balua O.P.)

P.S. case No. 89 of 2016 under Section 302/34 of the Indian Penal Code.



Guddi Devi, wife of the deceased, alleged that her husband was canvassing for Soni Singh in the Panchayat election and that is why the petitioners and other accused persons had malice and grudge and they were running after the life of her husband. On 25.05.2016, while her husband was sleeping on a cot outside his house, the accused persons indiscriminately assaulted him and when she came out her husband disclosed the names of the petitioners and others as assailants and breathed his last immediately thereafter.

Sri Kanhaiya Prasad Singh, the learned senior counsel for the petitioners, submits that the deceased got many grievous injuries on vital parts of his body and he was not in a position to disclose the name of the accused. Such disclosure before the death cannot be believed as the deceased could not have been in a position to utter the names of the petitioners. It is further submitted that there is no other eye witness of the occurrence but from perusal of the records, it appears that prayer for bail of similarly situated accused persons, Bipin Singh & others, has already been rejected by a coordinate bench of this court vide order dated 10.02.2017 passed in Cr. Misc. No. 2930 of 2017. The case of the petitioners stands on the same footing as the petitioners are alleged to have indiscriminately assaulted the deceased



causing amputation of leg and hand and grievous injury on his head causing his death. Hence, I am not inclined to enlarge the petitioners on bail at this stage. Accordingly, the same is rejected.

As ordered in Cr. Misc. No. 2930 of 2017, the petitioners may renew their prayer for bail after framing of charge firstly before the trial court, which shall dispose of the bail petition of petitioners on its own merit.

(Prabhat Kumar Jha, J)

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