

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.12582 of 2017

Arising Out of PS.Case No. -165 Year- 2016 Thana -HUSSAINGANJ District- SIWAN

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1. Adalat Bin @ Adalat Bind Son of Late Chandrika Bind, Resident of Village-Singar Patti, Police Station-Hussainganj, District-Siwan

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bijay Prakash Singh

For the Opposite Party/s : Mr. Smt Indu Kumari Srivastava

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA
ORAL ORDER

3 13-04-2017 Heard both sides.

The petitioner seeks bail in Hussainganj P.S. case No. 165 of 2016 under Section 302/34 of the Indian Penal Code.

The informant alleged that her husband was constructing bamboo stairs but, in the meantime, Adalat Bind, younger brother of her husband, the petitioner, assaulted her husband with Lathi on his head. Her husband fell down but again the petitioner assaulted him with iron rod.

The learned counsel for the petitioner submits that the occurrence took place on 08.08.2016 but the FIR was lodged on 10.08.2016. The informant alleged that firstly the petitioner gave Lathi blow on the head and thereafter the petitioner assaulted the deceased with iron rod but the doctor found only one injury on



head. The petitioner is own brother of the deceased and on account of land dispute the petitioner has falsely been implicated in the case but on perusal of the records, it appears that there is specific allegation that petitioner firstly assaulted the deceased with Lathi on head and again he gave iron rod blow on the head. The doctor found fracture of left parietal, occipital and left temporal bone and the injury itself shows that repeated blow was given on the head of the deceased.

Considering the facts aforesaid, I am not inclined to enlarge the petitioner on bail. Accordingly, the same is rejected.

(Prabhat Kumar Jha, J)

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