

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.14307 of 2017

Arising Out of PS.Case No. -137 Year- 2016 Thana -PHULWARIA District- GOPALGANJ

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Naresh Ram, sn of Late Manbodhi Ram, Resident of Village- Kailani,
Police Station- Phulwariya (Shripur O.P.) District- Gopalganj.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Umesh Kumar Singh

For the Opposite Party/s : Mr. Sri Ram Bilash Roy Raman

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**CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN
SHARMA**
ORAL ORDER

5 20-06-2017 Heard the learned counsel for the petitioner, the

learned A.P.P for the State as also the learned counsel for the

Informant.

The petitioner seeks bail in a case for the offences

punishable under sections 302 and 34 of the I.P.C

Allegedly, the petitioner started assaulting the father-

in-law, namely, Banshi Ram of the informant with feet and fat on

his chest and head repeatedly resulting the father-in-law of the

informant fell down and succumbed to the injury.

Submission is of false implication and that no offence

punishable under section 302 of the I.P.C. is made out, at best it

can be a case under section 304 of the I.P.C, there was no

intention to commit murder, the deceased was an old person aged



about 70 years and he died natural death but taking advantage the petitioner has been implicated, the petitioner is in custody since 07.12.2016 and as such now he deserves sympathetic consideration.

The learned A.P.P. duly assisted by the learned counsel for the informant opposes prayer for bail of the petitioner by submitting that corresponding injury has been found in the postmortem report and during investigation the informant and other witnesses have supported the allegation and the petitioner is the assailant.

In the facts and circumstances as stated above, considering the allegation attributed against the petitioner, I am not inclined to enlarge the petitioner on bail and accordingly his such prayer stands rejected in connection with Phulwariya P.S. Case No. 137 of 2016/ G.R. No. 3287 of 2016 pending in the court of the Additional Chief Judicial Magistrate-XIII, Gopalganj.

(Jitendra Mohan Sharma, J)

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