

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.28027 of 2017

Arising Out of PS.Case No. -374 Year- 2016 Thana -KRITYANAND NAGAR District- PURNIA
=====

1. Md. Nakir S/o Late Rafique, Resident of Village- Bakhrikol & Bakrikol,
P.S.- K.Nagar (Maranga), District- Purnea.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s
=====

Appearance :

For the Petitioner/s : Mr. Bipin Kumar

For the Opposite Party/s : Mr. Smt. Indu Bala Pandey
=====

CORAM: HONOURABLE MR. JUSTICE ARVIND SRIVASTAVA
ORAL ORDER

3 01-08-2017 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

Petitioner is in custody since 18.10.2016 in connection with K. Nagar P.S. Case No. 374 of 2016 registered under Sections 341, 323, 324, 307, 379, 427, 302/34 of the Indian Penal Code.

Learned counsel for the petitioner has submitted that the petitioner, who is of clean antecedent, is innocent and has not committed any offence. In fact, the altercation took place between the female members of both the parties, who happen to be the own brother in which an unfortunate accident met and the deceased died. The petitioner has not assaulted the deceased. Though there allegation of assault by means of dabiya on the deceased but the



Doctor did not found any sharp cutting injury on the persons of the deceased, which is evident from the Post Mortem Report. The petitioner, who is of clean antecedent, is rotting in custody for the last nine months.

Learned A.P.P. has opposed the prayer for bail of this petitioner and submitted that there is direct allegation of assault by dabiya against the petitioner due to which his brother died. The witnesses have also supported the prosecution version.

Considering the facts and circumstances of the case, this Court is not inclined to grant regular bail to the petitioner. Accordingly, the prayer for regular bail of this petitioner is rejected.

(Arvind Srivastava, J)

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