

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.34186 of 2017

Arising Out of PS.Case No. -7 Year- 2017 Thana -DHANGAI District- BHOJPUR

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1. Nirbhay Lal S/o Late Ram Nath Lal, R/o Vill-Dalippur, P.S. Dhangai,
District-Bhojpur

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Y.V. Giri, Sr. Advocate
Mr. Nikhil Kumar Agrawal
For the State : Mr. Bharat Lal
For the informant : Mr. Manoj Kumar

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 18-08-2017 Heard learned counsel for the petitioner and learned

APP for the State.

Petitioner is languishing in judicial custody since
23.02.2017 in connection with Dhangai P.S. Case No. 07/17 for
offences punishable under Sections 302, 120-B, 34 of the Indian
Penal Code.

The prosecution case, as lodged by the informant, is
that his brother deceased Md. Saddam had gone to his sister's
house but he came to know that in the house of one Ramji Mishra
the petitioner along with other co-accused have beaten him to
death.



It has been submitted by the learned counsel for the petitioner that he is innocent, there is general and omnibus allegation against him along with other co-accused and it is not ascertainable as to whose injury caused death of Md. Saddam. He submits that witnesses at paragraphs 26, 27 of the case diary, who are residents of the said house, stated that the petitioner along with other co-accused was assaulting the deceased on the terrace, but the dead body was found in the room. He further submits that one of the co-accused had died 20 years back but still named in the First Information Report, which falsifies the prosecution story. It is submitted that charge-sheet has already been submitted, hence, there is no chance of tampering with the prosecution evidence.

However, learned counsel appearing for the informant submits that it was a cold blooded murder committed by the petitioner and others and in cases of most of the co-accused their prayer for bail has been rejected with observation to renew their prayer after framing of charge.

Learned APP for the State also opposes the prayer for bail.

Considering the facts and circumstances and the materials on record, I am not inclined to grant privilege of bail to



the petitioner at this stage in connection with Dhangai P.S. Case No. 07/2017, pending in the court of Sri Sujit Kumar, learned 1st Class Judicial Magistrate, Bhojpur at Ara.

Application is, accordingly, rejected. However, petitioner may renew his prayer for bail after six months.

(Nilu Agrawal, J)

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