

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.48993 of 2016

Arising Out of PS.Case No. -74 Year- 2016 Thana -BUXAR District- BUXAR

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1. Rahul Yadav S/o Kamal Yadav Resident of Budhanpurva, P.S. Nagar,
District Buxar.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. B.K. Singh, Sr. Advocate

Mr. Binod Kumar, Advocate

Mr. Raj Bansh Dubey, Advocate

For the Opposite Party/s : Mr. Sanjay Kumar Tiwary 1, APP

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CORAM: HONOURABLE MR. JUSTICE ADITYA KUMAR TRIVEDI
ORAL ORDER

4 16-02-2017 Heard learned counsel for the petitioner as well as

learned APP for the State.

Petitioner is the sole assailant of the deceased, which is
found corroborated with the postmortem report apart from
presence of eyewitness under paragraph-222 as well as 223 of the
case diary.

Learned counsel for the petitioner has submitted that
two days prior to the occurrence, petitioner had instituted Buxar
Town PS Case No. 70/2016 on 24.02.2016 whereunder he was
brutally assaulted and for that, he was being treated in a hospital.
So, presence of petitioner could not be expected that too as an
assailant of the deceased. He has falsely been implicated in the
background of property dispute.



Apart from having the plea of alibi subject to trial, the petitioner till then was an absconder of Buddha Colony PS Case No. 132/2014 wherein he subsequently surrendered and then thereafter on the basis of production warrant, has been remanded in this case shows the conduct of the petitioner along with being identified as sole assailant and the cumulative effect thereof, disentitled the petitioner to seek privilege of bail.

Consequent thereupon, prayer for bail is rejected.

(Aditya Kumar Trivedi, J)

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