

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.6118 of 2017

Arising Out of PS.Case No. -227 Year- 2015 Thana -DUMRA District- SITAMARHI

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Jitendra Kumar @ Jitendra Kumar Singh, son of Gauri Shankar Singh,
Resident of Village-Muradpur, Purbaritola, P.S. Dumara District Sitamarhi.

.... Petitioner

Versus

The State of Bihar.

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Virendra Kumar

For the Opposite Party/s : Mr. Bisheshwar Ram

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CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA
ORAL ORDER

4 26-04-2017 Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner is an accused in connection with Dumra P.S. Case No. 227 of 2015, registered under Section 302/34 of Indian Penal Code, pending in the Court of Addl. Sessions Judge-II, Sitamarhi.

The allegation of informant Punita Devi is that five bigha of land was partitioned in between her husband Dharmendra Singh, brother-in-law Jitendra Singh (Petitioner) and father-in-law Gauri Shankar Singh. Thereafter, informant and her husband used to reside separate, but Gauri Shankar Singh sold three katha of land of her husband then her husband made protest and also went near his father Gauri Shankar Singh for demanding the consideration amount of the sold land then Gauri Shankar Singh and Jitendra Singh (petitioner)



caused injury to her husband, who succumbed to the injury.

Learned counsel appearing on behalf of the petitioner submits that informant is not the eye-witness of the occurrence and the petitioner, who is the brother of the deceased, at the time of occurrence tried to pacify the dispute in between his father and deceased, but due to ulterior motive, he has also been implicated in this case.

Learned counsel for the State vehemently opposed the prayer of the petitioner and submits that in paragraph Nos. 13, 14 and 15 witnesses have stated that at the time of occurrence, petitioner and his father assaulted the husband of the informant by means of bamboo and khanti and both of them carried Dharmendra Kumar Singh in the court yard and thereafter the dead body of Dharmendra Singh was found sustaining injury.

Having considered the facts and circumstances of the case and nature of allegation, I am not inclined to enlarge the petitioner on bail. Accordingly, prayer of the petitioner, above named, is rejected.

(Rajendra Kumar Mishra, J)

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