

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.3118 of 2017

Arising Out of PS.Case No. -106 Year- 2016 Thana -CHIKSAUR District- NALANDA
(BIHARSHARIFF)

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Gautam Kumar, Son of Yoddha Prasad, Resident of Garh Gulnipar, P.S.
Hilsa, District- Nalanda.

.... Petitioner.

Versus

The State of Bihar.

.... Opposite Party.

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Appearance :

For the Petitioner : Mr.

For the State : Mr.

For the Informant : Mr.

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**CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR
MISHRA**

ORAL ORDER

4 02-03-2017 Heard learned counsel for the petitioner and the learned
A.P.P. for the State as also the learned counsel for the informant.

The petitioner seeks bail in connection with Chiksaura
P.S. Case No.106 of 2016 registered under Sections 147, 148, 149
and 302 of the Indian Penal Code, pending in the court of the
Additional Chief Judicial Magistrate, Hilsa (Nalanda).

The accusation of the informant Lalti Devi is that on
21.10.2016 her husband Ranvijay Yadav alongwith his cousin
Rajeev Kumar was returning from Hilsa Court to his house after
making pairvi in the case. In the way, some persons assaulted her
husband, as a result of which he became unconscious. On



receiving information, the informant went there and her husband was rushed to Hilsa Hospital for treatment. In course of treatment, when the husband of the informant regain consciousness, he disclosed the name of six persons including the petitioner to cause assault him. Later on, the husband of the informant died.

Learned counsel appearing on behalf of the petitioner submits that it would appear from the F.I.R. that while the husband of the informant alongwith his cousin Rajeev Kumar was coming from Hilsa Court to his house, he sustained injury but when the informant reached there hearing the incident, only her husband was found there in an unconscious condition. Rajeev Kumar, who was with the husband of the informant, did not inform to any one regarding the alleged occurrence. Further submission is that no documentary evidence has been collected by the Investigating Officer that the husband of the informant had regain consciousness. The petitioner is in custody since 28.10.2016.

On the other hand, learned A.P.P. for the State opposed the prayer of the petitioner for grant of bail with the submission that Rajeev Kumar, the cousin of the deceased, the husband of the informant, has also named the petitioner alongwith some others in causing assault to the deceased and in the post-mortem



examination of the deceased, five injuries were found on the person of the deceased caused by hard and blunt substance.

Having regard to the facts and the circumstances of the case and the nature of allegation, I am not inclined to grant bail to the petitioner. Accordingly, the prayer of the petitioner for grant of bail stands rejected.

(Rajendra Kumar Mishra, J)

P.S./-

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