

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.18773 of 2017

Arising Out of PS.Case No. -76 Year- 2016 Thana -ALAMNAGAR District- MADHEPURA

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1. Heera Kumar @ Heera Babu @ Hira Kumar,
2. Rajeev Kumar @ Laukra @ Lakra, Both are sons of Bhuneshwari Roy
@ Bhunwshwar Rai @ Bhuneshwar Rai @ Bhuneshwari Rai, Resident
of Village Bargaon, P.S.- Alamnagar (Ratwara), District- Madhepura.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sushil Kumar Jha

For the Opposite Party/s : Mr. Sri Shailendra Kumar -2

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**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA**

ORAL ORDER

3 11-05-2017 Heard both sides.

The petitioners seek bail in Alamnagar (Ratwara)

P.S. case No. 76 of 2016 under Section 147, 149, 302 of the Indian

Penal Code.

The informant named 10 persons in the FIR and

alleged that, while his nephew was bursting fire crackers, all the

10 persons came and on the order of Bhuneshwari Mandal the

accused persons took the deceased, Sunil Mandal, with them.

Keshav Mandal and Diwakar @ Mantu assaulted the deceased

with iron rod and Lathi. It is further alleged that all the accused

persons assaulted the deceased.

Sri Gajendra Kumar Jha, the learned counsel for the



petitioners, submits that no specific allegation is made against the petitioners. There are altogether 10 accused persons, who are said to have assaulted the deceased. Specific allegation of assault is against Keshav Mandal and Diwakar @ Mantu. Five injuries on and around the head of deceased are found. During the course of investigation, witnesses have stated that informant and his side are aggressors and they came to the house of petitioners and looted away different articles. There is a counter version.

Considering the facts that petitioners are also alleged to have assaulted the deceased, Sunil Mandal, after he was assaulted by Keshav Mandal and Diwakar @ Mantu, altogether five injuries are found on the head of deceased and deceased died on the spot, I am not inclined to enlarge the petitioners on bail, at this stage. Accordingly, the same is rejected.

The petitioners may renew their prayer for bail after remaining nine months in custody.

(Prabhat Kumar Jha, J)

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