

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.48779 of 2016

Arising Out of PS.Case No. -161 Year- 2016 Thana -KADAMKUAN District- PATNA

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Om Prakash @ Omi, age about 35 years, Son of Yogendra Prasad @
Yogendra Kumar, Resident of Mohalla- Road No. 13 A Rajendra Nagar,
P.O. + P.S. - Kadam Kuan, Dist.- Patna. Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance:

For the Petitioner/s : Mr. Sanjay Kumar Pandey

For the Opposite Party/s : Mr. Satyavarat Verma

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA

ORAL ORDER

2 10-01-2017

Heard both sides.

The petitioner seeks bail in Kadam Kuan P.S. Case No. 161 of 2016 registered under Sections 302, 307 and other sections of the Indian Penal Code and Sections 53, 54 and 55 of the Bihar Excise (Amendment) Act, 2016.

The informant alleged that he along with his friends had gone to a park situated in Road No. 6B, Rajendra Nagar. Om Prakash @ Omi called his friend Rocky to come in the medical shop. At that time, four friends of Om Prakash @ Omi, namely, Amit Kumar, Raushan Kumar Sharma, Abhishek Kumar @ Monu and Abhinabh Kumar @ Chhotu were sitting with him. They were taking wine inside the medical shop. Raushan Kumar Sharma asked Rocky whether he is a 'Rangdar', Rocky replied in the negative. On such, Raushan Kumar Sharma assaulted Rocky with a piece of brick on his head. The petitioner is said to have handed



over a knife to Rocky and Rocky gave knife blow in the abdomen and neck of Rocky. The informant and others tried to save Rocky but they could not be able to save him.

Learned counsel for the petitioner submits that the petitioner is not the assailant of the deceased. The petitioner is in jail since 29.07.2016 and chargesheet has already been submitted against the petitioner. The petitioner has got no criminal antecedent as stated in Para 3 of the bail petition.

However, learned A.P.P. has opposed the prayer for bail but it appears that the petitioner is not the assailant of the deceased Rocky. Two incised wounds, One in the abdomen and another on the left upper side of the neck, were found on the person of Rocky. Both the injuries were caused by Raushan Kumar Sharma.

Considering the facts and the fact that the petitioner is not the assailant of the deceased, the above named petitioner is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Sri Madhvendra Singh, Judicial Magistrate 1st Class, Patna in Kadam Kuan P.S. Case No. 161 of 2016.

(Prabhat Kumar Jha, J)

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