

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.29119 of 2017

Arising Out of PS.Case No. -17 Year- 2017 Thana -BHABHUA District- BHABHUA (KAIMUR)

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1. Laljee Bind Son of Jawahir Bind R/o Village- Harnathpur (Sijhua), P.S. Sonhan, District- Kaimur at Bhabua.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Tribhuwan Narayan

For the Opposite Party/s : Mr. Anish Chandra

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 07-08-2017 Heard learned counsel for the petitioner and learned APP for the State.

Petitioner is languishing in judicial custody since 29.03.2017 in connection with Bhabua (Sonham) P.S. Case No. 17/2017, G.R. No. 68/17 for offences punishable under Sections 341, 323, 307, 504, 34 of the Indian Penal Code but later on Section 302 of the IPC has been added.

The prosecution case, as lodged by the informant, is that while the petitioner along with his wife Lilawati Devi was assaulting her, her husband intervened, on which the petitioner assaulted the deceased husband of the informant on the head by spade, as a result of which he got seriously injured and during course of treatment he succumbed to the injuries.



It has been submitted by the learned counsel for the petitioner that he is innocent, bears no criminal antecedent and charge-sheet has already been submitted, hence, there is no chance of tampering with the prosecution evidence. He submits that because of petty fight between the petitioner and the informant side, who are agnates, this occurrence took place.

However, learned APP for the State opposes the prayer for bail stating therein that the informant is an eye-witness to the alleged occurrence and there is direct allegation against the petitioner.

Considering the facts and circumstances and the materials on record, I am not inclined to grant privilege of bail to the petitioner at this stage in connection with Bhabua (Sonham) P.S. Case No. 17/2017, G.R. No. 68/17, pending in the court of learned Chief Judicial Magistrate, Kaimur at Bhabua.

Application is, accordingly, rejected.

(Nilu Agrawal, J)

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