

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.18816 of 2017

Arising Out of PS.Case No. -210 Year- 2016 Thana -KUCHAIKOTE District- GOPALGANJ

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Abhishek Kumar Singh @ Abhishek Kumar

.... 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. Sri Nand Kumar

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA

ORAL ORDER

4 29-06-2017

Heard both sides.

The petitioner seeks bail in Kuchaikote P.S. case No. 210 of 2016 under Section 302/34 of the Indian Penal Code.

The mother of the deceased alleged that while her son, Abhimanyu Kumar Sharma, was sitting at his recharge shop, Dinesh Kumar, Aatma Kumar, Abhishek Kumar Singh, the petitioner, and Aditya Pandey came. Dinesh Kumar asked the son of informant to recharge his mobile but, in the meantime, Aditya Kumar Pandey exhorted to kill and, on such, Aatma Kumar and the petitioner indiscriminately assaulted Abhimanyu Kumar Sharma, the deceased, with dagger.

The learned counsel for the petitioner submits that from perusal of the FIR itself, it would appear that earlier to the present occurrence, the informant lodged a case of theft against



Dinesh Kumar and others and they used to threat the son of informant to compromise the case of theft. It is submitted that Dinesh Kumar is the main assailant and not the petitioner and the petitioner has falsely been implicated in the case but from perusal of the records it appears that, besides the informant, all other witnesses have consistently stated that on the order of Aditya Kumar Pandey, Aatma Kumar and Abhishek Kumar Singh, the petitioner, indiscriminately gave blows with dagger and consequently son of the informant died. The post mortem report shows that as many as seven injuries were found on the person of the deceased and on account of the aforesaid injuries caused by dagger blow the deceased died.

Considering the facts aforesaid that petitioner is also one of the assailants of the deceased, I am not inclined to enlarge the petitioner on bail. Accordingly, the same is rejected.

(Prabhat Kumar Jha, J)

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