

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.49733 of 2016

Arising Out of PS.Case No. -22 Year- 2016 Thana -AJAMNAGAR District- KATIHAR

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Md. Yashin, son of Sk. Abdul, resident of village Kandol, P.S. Ajam Nagar,
District Katihar

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Bimal Kumar, Advocate

For the Opposite Party/s : Mr. Sri Harendra Prasad, APP

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

3 25-01-2017

Heard learned counsel for the petitioner.

This is an application for bail in connection with
Azam Nagar P.S.Case No. 22 of 2016 registered under Sections
302/34 of the Indian Penal Code.

It has been submitted on behalf of the petitioner that
though in the FIR it is alleged that the petitioner has assaulted the
daughter of the informant by Khurpi, due to which she died but
during investigation statement of the wife of the informant was
recorded by the I.O. in paragraph-28 of the case diary in which she
has not taken the name of the petitioner rather she has named one
Soyab as assailant. It is further submitted that there is land dispute
between the parties and the petitioner is uncle of the deceased and
further that the petitioner is in custody for about nine months.

Heard learned APP also.



Having heard learned counsel for both sides and considering the fact that there is direct allegation against the petitioner, I am not inclined to grant bail to the petitioner at this stage.

However, the petitioner may renew his prayer for bail in the court below itself after recording evidence of the informant and his wife and if such an application is filed, the learned court below shall consider the same on the materials available on the record and dispose of the same without being prejudiced by the order of this Court.

Accordingly, this application is dismissed.

(Vinod Kumar Sinha, J)

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