

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.47922 of 2017

Arising Out of PS.Case No. -28 Year- 2017 Thana -WAJIRGANJ District- GAYA

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SONU KUMAR SON OF ANIL SINGH, R/O VILLAGE- KARHAAUNA,
P.S.- WAZIRGANJ IN THE DISTRICT OF GAYA.

.... PETITIONER/S

VERSUS

THE STATE OF BIHAR

.... OPPOSITE PARTY/S

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Appearance:

For the Petitioner/s : Mr. Sushant Kumar, Adv.

For the Opposite Party/s : Mr. Sri Ashok Kumar Singh 1, APP

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CORAM: HONOURABLE MR. JUSTICE ADITYA KUMAR TRIVEDI
ORAL ORDER

3 09-11-2017 Heard learned counsel for the petitioner as well as
learned Additional Public Prosecutor.

On trivial issue, Anil Singh who happens to be uncle of informant, Sarekh Singh, Munna Kumar, Tuntun Kumar, Sonu Kumar, Krishna Kumar assaulted deceased Brajendra Singh. When his mother intervened, she was also assaulted. When her wife had gone to rescue Munna Kumar, Tuntun Kumar, Sonu Kumar, Krishna Kumar misbehaved with her whereupon, his father Brajendra Singh (deceased) intervened and thereupon, he was thrown from the roof as a result of which he sustained internal injury. Blood had oozed out from his nose, ear. Villagers came in rescue, whereupon, the accused persons escaped therefrom. Then thereafter, victim Brajendra Singh was taken to hospital and while he was at PMCH, he succumb to his injury.

The learned counsel for the petitioner has submitted that there happens to be no injury report relating to mother of the informant as well as wife of the informant. That being so, the



manner of assault as indicated in the written report happens to be palpably false. Furthermore, it has also been submitted that the wife and mother of the informant has been examined under para-6 as well as 7 of the case diary wherein, there happens to be no allegation of assault as well as misbehave with them. It has also been submitted that the supervision report divulges absence of stair whereupon, climbing over the roof became doubtful. If that happens to be, then the manner of occurrence has also become doubtful. Consequent thereupon, petitioner is entitled for bail.

On the other hand, the learned Additional Public Prosecutor opposed the prayer.

Detailed description whatever been incorporated in the case diary is forbidden as, it will adversely affect upon the interest of the petitioner during course of trial as, may influence the learned lower court but, from para-6 and 7, it is evident that though I.O. had scribe them in stereo type but allegation of misbehave and assault is incorporated therein. Furthermore, under para-5 though the I.O. had not mentioned where stair case happens to be but the building is a double storied and so, presence of stair case happens to be but natural as the building is habitable one.

The manner whereunder occurrence has been committed by own kith and kin, does not allow the petitioner for the present to avail privilege of bail, more particularly, when other family members are still evading their presence.

Prayer for bail is rejected.

(Aditya Kumar Trivedi, J.)



Prakash Narayan

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