

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.40288 of 2017

Arising Out of PS.Case No. -43 Year- 2017 Thana -BARIYARPUR District- MUNGER

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1. Ajeet Kumar, Son of Mahesh Mandal.
 2. Ganesh Kumar, Son of Bhumi Mandal,
 3. Mannu Kumar @ Munnu Kumar, Son of Bhumi Mandal,
All R/o Village Kathara, P.S.- Bariyarpur, District- Munger.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Surya Narayan Sah

For the Opposite Party/s : Mr. Pawan Kumar Chaurasiya

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

- 3 02-11-2017 Heard learned counsel for the petitioners and

learned APP for the State.

Petitioners are languishing in custody since
31.05.2017 in connection with Bariyarpur P.S. Case No.
43/2017 for offences punishable under Section 302 and
other allied Sections of the Indian Penal Code.

The prosecution case, as lodged by the
informant, is that her son Rohit Kumar had gone to the
field to play cricket but was sent back home by petitioner
no. 1 after hurling abuses and after a short while
petitioners along with four others came and started abusing
and assaulting the informant, her husband and her son.



Specific allegation is upon co-accused Dilip Kumar to have caused injury on the head of the husband of the informant, who succumbed to the injuries.

It has been submitted by the learned counsel for the petitioners that they are innocent, bear no criminal antecedent and there is no specific allegation of assault on the husband of the informant by the petitioners, rather specific allegation is upon co-accused Dilip Kumar. He submits that charge-sheet has already been submitted and there is no allegation of tampering of the prosecution witnesses by the petitioners.

However, learned APP for the State opposes the prayer for bail stating therein that there are three injuries found on the head of the deceased as per post mortem report.

Considering the facts and circumstances and the materials on record, I am not inclined to grant privilege of bail to the petitioners at this stage in connection with Bariyarpur P.S. Case No. 43/17, pending in the court of learned Chief Judicial Magistrate, Munger.

Application is, accordingly, rejected. However,



with liberty to the petitioners to renew their prayer for bail
after framing of charge.

(Nilu Agrawal, J)

Rajesh/-

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