

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.55403 of 2016

Arising Out of PS.Case No. -138 Year- 2016 Thana -KATEYA District- GOPALGANJ

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1. Manish Tiwari, S/o Sri Ashok Tiwari, R/o Village- Belaura, P.S.- Kateya, District- Gopalganj.
2. Mantu Shukla, S/o Sri Sheojee Shukla, R/o Village- Mishrauli, P.S.- Kateya, District- Gopalganj.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ajeet Singh, Adv.

For the Opposite Party/s : Mr. Sanjay Kumar Tiwary, APP

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA
ORAL ORDER

3 01-03-2017 Heard both sides.

The petitioners seek bail in Kateya P.S. Case No. 138/2016, registered for the offences punishable under Section 307 and other sections of the Indian Penal Code. Later on, Section 302 of the Indian Penal Code was added.

The informant Pawan Kumar Mishra alleged that while he was ploughing the land purchased by him from Sanjay Tiwari, Ashok Tiwari and others including the petitioners came and brutally assaulted the informant, his father and others. The father of the informant was under treatment in Gorakhpur hospital, but he died later on.

Learned counsel for the petitioner submits that there



is counter version bearing Kateya P.S. Case No. 139/2016. There is no specific allegation of assault against the petitioners. The deceased died due to cardiac arrest and not on account of any injuries caused by the petitioners, found on the person of the deceased.

Learned A.P.P. as well as learned counsel for the informant vehemently opposed the prayer for bail of the petitioners.

From perusal of the case diary, it appears that four persons were injured including the deceased Kailash Mishra. From perusal of post-mortem report, it appears that as many as nine injuries were found on different parts of the body of the deceased. On opening of skull, there was fracture on head bone and Hematoma was found all over the brain. Petitioners are also alleged to have assaulted the deceased and others.

Considering the facts aforesaid, I am not inclined to enlarge the petitioners above-named on bail. Accordingly, the same is rejected.

(Prabhat Kumar Jha, J.)

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