

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.49009 of 2016

Arising Out of PS.Case No. -129 Year- 2016 Thana -MANIHARI District- KATIHAR

=====

1. Chhotelal Murmu S/o- Digru Murmu R/o Bairgachhi, P.S.- Manihari
Dist.- Katihar. Petitioner/s

Versus

1. The State of Bihar. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar Singh, Advocate

For the Opposite Party/s : Mr. Madhuranand Jha, APP

=====

CORAM: HONOURABLE MR. JUSTICE ADITYA KUMAR TRIVEDI

ORAL ORDER

3 19-01-2017 Heard learned counsel for the petitioner as well as

learned APP.

The manner of occurrence suggests that it is a case of carnage whereunder a large number of persons so named and unnamed armed variously raided the place of the prosecution party and during course thereof, they had used arrow causing injury to Rana Pratap and further, after being injured was dragged and during course thereof, was brutally assaulted which ultimately cost his life. Furthermore, his father Ashok Kumar Singh was also assaulted when he intervened and for that on the written report of Rakesh Kumar Singh, brother of the deceased, instant case has been drawn up.

From the postmortem report it is evident that the deceased had got following ante-mortem injuries:-

External (1) Both ears and nose bleeding.

(2) Sharp cutting wound below chin left side measuring 3" x 2" x cavity deep.

(3) Penetrating wound right side below angle of mandible ½" x ½" x skin deep.

(4) Abrasion in abdomen (Epigastric region two in number 2" x 1" and ½" x 1"



(5) Multiple abrasion in left hand, left arm and forearm.

(6) Bruise over right cheek.

(7) Swelling over left forehead 2" x 1"

Internal (1) On opening of cranial cavity found that blood mixed brain matter and # of scalp bone.

(2) On opening of thoracic cavity found that both lungs intra and pale.

(3) On opening of abdominal cavity found that viscerae were intact. Stomach contains ill-defined semi digested food. Particle with non specific smell.

Cause of death:- With the above finding, cause of death is due to intra cranial haemorrhage and shock.

Ashok Kumar Singh, one of the injured being examined under para-11 of the case diary had identified the petitioner who gave arrow blow over the deceased and the same was taken out during course of postmortem. Para 59 happens to be seizure list in relation thereof.

It is further evident that on earlier occasion, accused persons had indulged in similar kind of activity and for that Manihari PS Case No. 11/2016 was instituted.

It has been submitted on behalf of the petitioner that there happens to be case and counter case. Furthermore, it has also been submitted that in the written report there happens to be no specific disclosure arraying the petitioner to have given arrow blow over the deceased. The aforesaid event has subsequently been developed. Furthermore, it has also been submitted that it is difficult to identify the assailant amongst a huge mob and so, reliability of statement of one of the injured, Ashok Kumar Singh



could not be affirmed. So submitted that petitioner be released on bail.

Learned APP opposed the prayer for bail of the petitioner.

From para-3 of the instant petition, it is evident that petitioner has got no criminal antecedent but from para-3 of the case diary, it is evident that petitioner happens to be an accused in connection with Manihari PS Case No. 11/2016 and so, there happens to be wrong assertion in the petition.

Apart from this, being assailant, I do not see it a fit case for grant of bail. Accordingly, prayer for bail is rejected.

(Aditya Kumar Trivedi, J)

perwez

U		T	
---	--	---	--

