

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.50539 of 2016

Arising Out of PS.Case No. -399 Year- 2015 Thana -BEGUSARAI MUFFASIL District-
BEGUSARAI

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1. Saurabh Kumar, S/o Late Pappu Ray, resident of village-Bagha, at
present Ayodhyabari, both P.S.-Muffasil, District-Begusarai

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Mr. Nirmal Kumar Sinha, APP

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

3/ 10-01-2017

Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

The Petitioner seeks bail in Sessions Trial No.589 of
2016 arising out of Begusarai Muffasil (Lakho) P.S. Case No.399
of 2015 instituted for the offence under Section(s) 302, 201/34
Indian Penal Code.

The prosecution case, in brief, as per the written
report of the informant, Kamini Devi, is that her son, Holil Kumar
had told her on 12.10.2015 at about 2.30 PM that he is going to
Maharani Ashtan to see the *Puja* but the son of the informant did
not return home till evening. The informant started search but till
night could not get his trace. In the next morning, some women of
the village stated that a dead body of a boy is lying in ditch at



Hallagarhi. The informant along with one Mahesh Pandit and some others went there, saw the dead body and brought the same at her door. Both the eyes of the boy were damaged and bleeding also took place from the eyebrow.

Carbon copy of the case diary has been received. The witnesses in the statement recorded in paragraph 6, 7, 8, 9 have not taken the name of the petitioner. However, it appears that the witnesses in paragraphs 16, 17, 26, 29, 30, 31, 32, 33, 34 have taken the name of this petitioner in the aforesaid occurrence. The Post Mortem Examination Report is mentioned in paragraph 51 where the doctor has opined the cause of death due to asphyxia due to throttling and extreme rotational injury to neck affected manually.

In such circumstances, this Court does not find it a fit case for grant of bail to the petitioner.

Prayer is rejected.

(Sanjay Priya, J)

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