

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.6746 of 2017

Arising Out of PS.Case No. -46 Year- 2016 Thana -AKBARPUR District- NAWADA

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Avinash Singh, Son of Late Dani Singh, Resident of Village- Pirauta, P.S.- Akbarpur, District- Nawada.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Vikram Deo Singh, Advocate.
Mr. Anil Kumar Choudhary, Advocate.

For the Opposite Party : Mr. Manoj Kumar – 1, APP.

For the Informant : Mr. Bishnu Kant Dubey, Advocate.

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

3 09-03-2017 Heard both sides.

The petitioner seeks bail in Akbarpur P.S. Case No. 46 of 2016, registered for the offences punishable under Sections 147, 341, 323, 307, 328 and 302 of the Indian Penal Code.

The informant alleged that the petitioner Avinash Singh, Santosh Kumar and Balram Singh took his son Vijay Shankar with them. Niranjana Kumar a relative of the informant informed him on telephone that Avinash Singh, Santosh Kumar, Ranjay Singh, Shivam Kumar, Ravi Kumar, Monu Kumar and Rajiv Kumar were assaulting his son. The informant informed the police and the police took his son, who was unconscious, to hospital for treatment. The informant's son was referred to PMCH



for better treatment but on way his son died.

Learned counsel for the petitioner submits that admittedly Vijay Shankar, son of the informant is said to have accompanied the petitioner Avinash Singh, Santosh Kumar and Balram Singh to their house. Niranjana Singh disclosed that the petitioner and others assaulted the deceased, but from perusal of the post-mortem report no external or internal injury was found on the body of the deceased. The viscera report shows that no poisonous substance was found and cause of death of the deceased could not be ascertained. During course of investigation, it has come that the deceased had love affairs with one Rukmini Kumari, daughter of brother-in-law of Santosh Kumar. The allegation of assault by the petitioner is falsified in view of the finding of the doctor in the post-mortem examination report. It is further submitted that Santosh Kumar and Baliram Singh @ Balram Singh have already been granted regular bail vide order passed in Cr. Misc. No. 43886 of 2016 and Cr. Misc. No. 44648 of 2016 and the case of the petitioner stands on the same footing.

On the other hand, learned counsel for the informant as well as learned APP vehemently opposed the prayer for bail of the petitioner and submitted that the petitioner and others took the deceased with them and the dead body of the deceased was found.



Considering the facts aforesaid and the fact that of course the petitioner and others took the deceased with them, but no injury was found on the dead body of the deceased nor any poisonous substance was found in the viscera report and similarly situated other accused persons have already been enlarged on bail, the petitioner above named is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Nawada in Akbarpur P.S. Case No. 46 of 2016.

(Prabhat Kumar Jha, J.)

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