

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.39146 of 2018

Arising Out of P.S.Case No. -33 Year- 2018 Thana -AURANGABAD TOWN District-
AURANGABAD

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Mithun Kumar @ Chandan Kumar Singh, Son of Sri Gauri Singh,
Resident of Village- Baakan P.S.- Phesar, Dist.- Aurangabad.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Anand Kumar
For the Opposite Party/s : Smt Indu Kumari Srivastava
For the Informant : Dr. Leelawati Kumari, Advocate

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CORAM: HONOURABLE MR. JUSTICE SANJAY KUMAR
ORAL ORDER

3 24-07-2018 Heard learned counsel for the petitioner, learned
counsel for the informant as well as learned APP for the State.

The petitioner is in custody in connection with
Aurangabad (Town) P.S.Case No.33 of 2018 pending in the Court
of CJM, Aurangabad registered for an offence under Sections 341,
447, 504, 323, 308 and 324/34 of the IPC.

Allegation as per FIR is that altogether eight FIR named
accused came at the house of the informant and caught hold the
informant and abused him and the co-accused Munna Singh was
armed with rifle and rod. This petitioner assaulted the informant
on his head by farsa. The other co-accused persons also assaulted
the informant.



It has been submitted that there is no repetition of blow by the petitioner so no offence under Section 308 of the IPC is made out. The petitioner is in custody since 17.05.2018 so he deserves to be enlarged on bail.

The learned APP as well as learned counsel for the Informant opposed the submissions.

On perusal of FIR, I find that the allegation of assault by farsa is specific against the petitioner. The injury report annexed with the case diary shows that the informant sustained fracture injury on the right frontal and maxillary region.

Considering the grievous nature of injury, the prayer for bail is rejected.

(Sanjay Kumar, J)

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