

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.53538 of 2017

Arising Out of PS.Case No. -38 Year- 2017 Thana -WAJIRGANJ District- GAYA

=====

1. Nakul Singh, Son of Late Bachan Singh, Resident of Village-Kolhna,
P.S.-Wazirganj, District-Gaya.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Surendra Kumar Mishra

For the Opposite Party/s : Mr. Sri Ajit Kumar

=====

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

4 08-01-2018 Heard the counsels for the petitioner, the informant and
the State.

The petitioner seeks bail in connection with Wazirganj
P.S. Case No. 38/2017 dated 24.01.2017 instituted for the offences
under Sections 147, 148, 149, 302, 201/120B of the Indian Penal
Code read with Section 27 of the Arms Act.

The petitioner is said to have been armed with a sharp
cutting weapon and he is also alleged to have assaulted the
deceased along with others. The occurrence was witnessed by the
father of the deceased. The deceased was also threatened, about
four days ago, of being killed.

Mr. Yogesh Chandra Verma, learned Advocate for the
petitioner has submitted that no specific weapon of assault has



been attributed to the petitioner and even the post-mortem report does not reveal that the petitioner also had participated in the occurrence.

Mr. Prafull Jha, learned Advocated for the informant, on the other hand, without going into the merits of the case, has drawn the attention of this Court to the fact that earlier, the petitioner was made accused in several cases, but in the first instance, no reference was made of any criminal case against the petitioner and later, when the supplementary affidavit was filed by the petitioner, even then the number of cases, in which the petitioner was earlier made accused, has been withheld from the Court.

Learned Advocate on record, viz. Surendra Kumar Mishra, has however apologized for his lapse and has submitted that there was no intention to furnish wrong information before this Court and the affidavit was drawn up only on the instruction given by the Pairvikar of the case. The person, who has sworn the affidavit, is the co-brother of the petitioner and there is a possibility of his not knowing the actual number of cases pending against the petitioner.

Be that as it may, on merits, the petitioner does not deserve bail as he has been seen by the informant killing the



deceased.

The prayer for bail of the petitioner is rejected.

(Ashutosh Kumar, J.)

Rakhi

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

