

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.54064 of 2017

Arising Out of PS.Case No. -294 Year- 2016 Thana -BIRPUR District- SUPAUL

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1. Kisun Yadav @ Kisun Sipaliya, Son of Late Fudilal Yadav @ Fudilal Sipaliya, Resident of Bhawanipur, P.S.- Birpur, District- Supaul.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

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

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

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

3 11-01-2018 Heard learned counsel for the petitioner and learned counsel representing the State.

The petitioner apprehends his arrest in connection with Birpur P.S. Case No. 294 of 2016, registered for the offences punishable under Sections 147, 149, 341, 323, 325, 307, 504, 302 of the Indian Penal Code.

Allegedly, the petitioner and other F.I.R. named accused persons started assaulting Diljan Safi and Mustafa Safi with an intention to kill them on their head and when Md. Ishaque was going to purchase medicine then he was also assaulted by them. During treatment, Diljan Safi succumbed to the injury.

Submission is of false implication and that there is no specific allegation against the petitioner and the allegations are



general and omnibus in nature. Three days earlier a quarrel has happened between the children of both the parties. The postmortem report of deceased shows that he received only one injury, caused of death is C.R. failure due to introcronial hemorrhage and neurogenic shock due to injury over head by hard and blunt substance. During investigation, it has also come that Md. Ishaque has received no injury and, as such, the petitioner deserves sympathetic consideration.

The learned A.P.P. opposes the prayer of pre-arrest bail by submitting that the petitioner was also involved in assaulting the deceased.

In the facts and circumstances as stated above, considering the allegation attributed against the petitioner, I am not inclined to grant privilege of pre-arrest bail to him and accordingly his such prayer stands rejected in connection with Birpur P.S. Case No. 294 of 2016, pending in the Court of learned A.C.J.M., Birpur (Supaul).

(Jitendra Mohan Sharma, J.)

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