

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.58441 of 2018

Arising Out of P.S.Case No. -540 Year- 2017 Thana -WAJIRGANJ District- GAYA

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Sri Akhilesh Prasad S/o Bhondu Mahto , R/o Vill.- Jamuawan, P.S.-
Wazirganj, Distt.- Gaya.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Prithivi Raj Singh, Advocate

For the Opposite Party/s : Mr. Ajay Kumar-1

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CORAM: HONOURABLE MR. JUSTICE SANJAY KUMAR
ORAL ORDER

3 06-10-2018 Heard learned counsels for the petitioner and the learned
APP for the State.

The petitioner is in custody in connection with
Wazirganj P.S.Case No.540 of 2017 pending in the Court of
ACJM-Ist, Gaya registered for an offence under Sections 341,
323, 324, 307, 504, 302 and 34 of the IPC and Section 3/4 of the
Prevention of (daain) Protection Act.

Allegation is that this petitioner, his three sons and other
family members forming an unlawful assembly assaulted the
mother of the informant and when the informant and his father
attempted to rescue his father, the accused persons brutally
assaulted him and his father. The informant and his father were
referred to Magadh Medical College Hospital and thereafter to



PMCH where in course of treatment, the father of the informant died on the same day.

It has been submitted that the allegation of assault is omnibus against all the FIR named accused. The petitioner allegedly gave order to other co-accused.

On perusal of the case diary, I find that the witnesses have supported the allegation of assault by this petitioner. In the postmortem report, the doctor has reported about several injuries on the person of the deceased including one injury measuring six centimeter long on right parietal scalp.

Considering the allegation of assault by this petitioner and other co-accused, I am not inclined to grant bail to the petitioner. Prayer for bail is rejected.

(Sanjay Kumar, J)

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