

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.38511 of 2018

Arising Out of PS.Case No. -300 Year- 2017 Thana -FATUHA District- PATNA

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1. Dharmendra Paswan, S/o Vinay Paswan, R/o Mohalla- Kolhar, P.S.-
 Fatuha, District- Patna.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sushil Kumar Jha-Advocate

For the Opposite Party/s : Mr. Anand Kishore Choudhary-A.P.P.

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CORAM: HONOURABLE MR. JUSTICE ADITYA KUMAR TRIVEDI
ORAL ORDER

05 13-09-2018

Heard learned counsel for the petitioner as well as

learned Additional Public Prosecutor.

On account of an altercation, it has been alleged against the petitioner to have inflicted the injury over head of Dharmbir Paswan and while informant, his son intervened, he was also assaulted with the handle of the hand-pipe.

It has been submitted on behalf of petitioner that he happens to be under custody since 16.03.2018. Also submitted that in a spur of moment, the occurrence, as alleged, had taken place and so, it would not be with an intention to commit murder.

Further submitted that considering the nature of the injury in consonance with the weapon having used during course of occurrence, in worst case, it will be a case under Section 325 of the I.P.C.,



bailable one. Apart from this, it has also been submitted that counter-case by way of Complaint Petition No.729 of 2017 has also been drawn up at the end of wife of the petitioner. So, submitted that petitioner be released on bail.

On the other hand, learned Additional Public Prosecutor opposed the prayer.

Regard being had to the facts and circumstances of the case, prayer for bail of petitioner, for the present, is hereby rejected.

However, if so advised, may renew his prayer after framing of charge.

(Aditya Kumar Trivedi, J)

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