

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.42604 of 2018

Arising Out of PS.Case No. -38 Year- 2018 Thana -LAKHISARAI District- LAKHISARAI

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Awadhesh Bind, D/o Late Ghatim Bind @ Late Narayan Bind, Resident of
Village- Khagaur, P.S.- Lakhisarai, District- Lakhisarai.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Parmanand Pd. Nr. Sahi

For the Opposite Party/s : Mr. Sri Surendra Prasad Singh

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CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

3 14-08-2018 Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner is in custody since 30.01.2018 in connection with Lakhisarai P.S. Case No. 38 of 2018 for the offence registered under Sections 302, 120(B)/34 of the Indian Penal Code and Section 27 of the Arms Act.

The allegation against the petitioner is that he and others fired on the deceased leading to his death.

Learned counsel for the petitioner submits that though there is allegation that the petitioner fired at the stomach of the deceased, no such injury was found. It is further submitted that the informant is not an eye witness to the occurrence. He, thus, submits that the petitioner may be extended the privilege of bail.



Diary of the present case was called for which has since been received.

Learned counsel for the State, after perusal of the case diary, submits that the petitioner is alleged to have fired at the stomach and in view of the specific allegation made against the petitioner, he is not entitled to the privilege of bail. Furthermore, post mortem report indicates that the entire peritoneum filled with blood faecal matter, undigested food material and right and left kidney have been damaged on account of the attack.

Considering the aforesaid submissions and there is specific allegation against the petitioner, I am not inclined to grant regular bail to the petitioner. It is, accordingly, rejected.

Let the trial of the case be expedited.

(Anjana Mishra, J)

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