

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.127 of 2019

Arising Out of PS. Case No.-802 Year-2018 Thana- AHIYAPUR District- Muzaffarpur

Dhiraj Kumar, son of Sri Sanjay Mandal, Resident of Village- Jagdamba
Asthan, P.S.- Ahiyapur, District- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Malay Kumar Choudhary, Advocate.

For the Opposite Party/s : Mr. Rajendra Prasad Nat, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

5 07-02-2019 Heard learned counsel for the petitioner and the

State.

The petitioner seeks bail in **Ahiyapur P.S. Case No. 802 of 2018**, instituted for the offence under Section(s) 147, 148, 149, 323, 302 and 342 of the Indian Penal Code.

It is alleged in the written report that petitioner along with 15-20 unknown persons took brother of the informant namely, Arjun Kumar, on pretext of committing theft of Mobile to the under constructed house, near the house of Chhotu Kumar, and assaulted him. It is further alleged that Bittu Sahni came to save then he was also assaulted causing injury to him. The brother of the informant Arjun Kumar died on the spot.

Learned A.P.P. has submitted that in paragraph-78 of the case diary the statement of Bittu Sahni has been recorded



wherein he has not levelled any specific allegation of assault against the petitioner. He has only levelled allegation against petitioner and other co-accused persons of assaulting Arjun Sahni.

Petitioner is in custody since 8.8.2018 having clean antecedent. There is no injury report of Bittu Sahni in the case diary.

Considering the aforesaid facts and circumstances of the case, prayer for bail of the petitioner is allowed. Let the petitioner above named, be released on bail on furnishing bail bond of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of **Ms. Divya Shekhar, learned Judicial Magistrate, 1st Class, Muzaffarpur,** in connection with **Ahiyapur P.S. Case No. 802 of 2018,** subject to the condition that both the bailors will be the close relatives of the petitioner.

(Sanjay Priya, J)

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