

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.80415 of 2018

Arising Out of PS. Case No.-133 Year-2018 Thana- DHANAHA District- West Champaran

Najab Gaddi @ Nejamuddin Gaddi Son of Anirudh Gaddi Resident of
village-Dhawahiya, P.S.-Dhanaha, District-West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Vijay Kr Singh No. 1

For the Opposite Party/s : Mr.Sri Shyameshwar Dayal

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

5 18-07-2019 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner seeks bail in a case registered under
Sections 147, 149, 341, 323, 325, 427, 447, 302 & 504 of the
Indian Penal Code.

The prosecution case, in brief, is that on the point of
trivial issue, dispute arose. The accused persons variously armed
are said to have come on the door of informant and assaulted
him. While the wife of the informant came to rescue him, the
accused persons gave her lathi blow as a result of which, she
sustained injury and became unconscious and, in consequence
thereof, she died in course of treatment.

It has been submitted on behalf of the petitioner that the
petitioner has got no criminal antecedent. There is no allegation



of tampering of witnesses alleged against the petitioner. The petitioner is in custody since 12-07-2018. Charge sheet has already been submitted. The petitioner has falsely been implicated in the present case. Some of the witnesses, examined in course of investigation, have not made allegation of assault to the deceased against the petitioner.

On behalf of the State, it is submitted that the petitioner is named in the Complaint Case/F.I.R. The petitioner and other co-accused are said to have assaulted on the stomach of the deceased by means of Lathi. The postmortem report corroborates the allegation made in the FIR. As per postmortem report, the deceased is said to have died due to injury sustained in her stomach by hard and blunt substance. The informant is an eye witness. There is no reason to doubt the statement made by the informant. Petitioner's plea that other co-accused with similar allegation have been granted bail by coordinate bench of this court is concerned, from the order dated 22-04-2019 passed in Cr. Misc. No. 4359 of 2019, does not find support from the materials available on record. Rather it appears that all the co-accused i.e. nine in number had assaulted the deceased. As per the FIR, the specific allegation of assault is alleged against this petitioner and other accused namely Bhukur Gaddi.



Considering the fact that there is specific allegation of assault alleged against the petitioner and also the fact that the postmortem report corroborates the allegation made in the FIR, I am not inclined to grant bail to the petitioner. Accordingly, prayer for bail of the petitioner in connection with Dhanaha P.S. Case No. 133 of 2018 is rejected.

(Sudhir Singh, J)

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