

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.74648 of 2018

Arising Out of PS. Case No.-244 Year-2018 Thana- LAXMIPUR District- Jamui

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Avinash Kumar, Son of Triloki Sah @ Burha Sah, Resident of Village-
Ratanpur, P.S.- Laxmipur (Gidhour), District- Jamui.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Yogesh Chandra Verma, Sr. Advocate.
For the Opposite Party/s : Dr. Rabindra Kumar, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

4 09-01-2019 Heard learned counsel for the petitioner and the

State.

The petitioner seeks bail in Laxmipur (Gidhour) P.S.

Case No. 244 of 2018 instituted for the offence under Sections
341, 448, 323 and 307/34 of the Indian Penal Code.

Subsequently, Section 302 Indian Penal Code was added.

Counsel for the petitioner submits that there is no
specific allegation levelled against the petitioner. The
altercation took place as per First Information Report due to
playing of cricket. Petitioner is in custody since 7.7.2018
having clean antecedent.

It is alleged in the written report that due to playing
cricket, the altercation took place among brother of the
informant and the petitioner as well as Praveen Kumar @



Golu. It is further alleged that both assaulted brother of the informant with iron rod, lathi, wicket etc. after entering into the house. The informant at that time was on the roof. She came and found her brother unconscious who subsequently died in PMCH during course of treatment.

Case diary has been received.

Post mortem report is available in the case diary wherein the Doctor has found one diffuse swelling on left occipital region and one bruise measuring 3" x 2" abrasion mid back.

From the written report it appears that there is no specific allegation attributed to the petitioner of assaulting brother of the informant on any vital part of the body. It is also mentioned in paragraph-14 of the bail petition that similarly situated co-accused Praveen Kumar @ Golu has been granted bail.

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 Sri Sumit Kumar Singh, learned Judicial Magistrate, 1st Class, Jamui, in connection with



Laxmipur (Gidhour) P.S. Case No. 244 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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