

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61379 of 2019

Arising Out of PS. Case No.-121 Year-2019 Thana- RAFIGANJ District- Aurangabad

Mithilesh Sao @ Mithilesh Kumar Son of Naresh Saw, Resident of Village -
Shailopur, P.S.- Rafiganj, Distt - Aurangabad.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Ashok Kumar Singh
For the Opposite Party/s : Mr.Narsingh Tanti

CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

5 03-03-2020 Heard the parties.

The petitioner seeks bail in Rafiganj P.S. Case No.121 of 2019 registered for the offence punishable under Sections 447, 341, 323, 324, 307, 504/34 of the Indian Penal Code. Later on Section 302 of the Indian Penal Code was instituted after death of grand-father of the informant.

As per the F.I.R., the petitioner and other accused persons have assaulted the informant and when brother and grand father of the informant came to rescue him, the petitioner assaulted with Tangi on the head of grand-father of the informant, due to which he died during the treatment.

Submission of learned counsel for the petitioner is that allegation of assault on the deceased as well as the informant is against the petitioner but from the statement recorded during course of investigation in paragraph-37 of the case diary, it is evident that there is general and omnibus



allegation of assault. Further submission is that nature of violence is hard and blunt objects, which does not support the prosecution case.

On the other hand, learned Addl. Public Prosecutor as well as learned counsel for the informant has opposed the prayer for bail on the ground that in the first information report, the informant has specifically named the petitioner and others. Paragraph-14 of the case diary also supports the prosecution case and it is stated about assault made by the petitioner on the deceased.

Considering facts, as stated above, I am not inclined to enlarge the petitioner on bail at this stage. Accordingly, the prayer for bail stands rejected.

(Vinod Kumar Sinha, J)

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