

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1950 of 2021

Arising Out of PS. Case No.-46 Year-2020 Thana- NOKHA District- Rohtas

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Krishna Mali Son of Late Awadhesh Mali Resident of Village - Baraon, P.S.-
Nokha, Distt.- Rohtas at Sasaram

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Chhotelal Mishra

For the Opposite Party/s : Mr.Pramod Kumar Pandey,APP

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 20-05-2021 Heard learned counsel for the parties through video conferencing.

The petitioner seeks bail in Nokha P.S. Case No. 46 of 2020 registered for the offence under Sections 147, 148, 149, 341, 323, 307, 302 the Indian Penal Code and Section 27 of the Arms Act.

As per the prosecution case, the petitioner is alleged to have assaulted the father of the informant by the butt of his country-made gun.

It is submitted on behalf of the petitioner that both the parties are *pattidars* and due to dispute between the parties over passage (*raasta*), petitioner has been falsely implicated in this case and no fire-arm injury has been caused. It is further submitted that petitioner was simply a member of the mob and



no specific allegation has been made against him. The petitioner is in custody since 16.07.2020.

However, learned A.P.P. for the State has vehemently opposed the bail application and submitted that there is specific allegation of assault against this petitioner by butt of the gun, which fact has been duly supported in the *post-mortem* report . In the *post-mortem* report, the doctor has opined that the deceased has died due to head injury caused by hard and blunt substance.

Considering the aforesaid facts and circumstances and the fact that there is specific allegation of assault against this petitioner, the bail application of petitioner is rejected.

(Prabhat Kumar Singh, J)

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