

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2665 of 2023

Arising Out of PS. Case No.-128 Year-2022 Thana- MANPUR District- Nalanda

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Bhikhari Yadav S/O Late Kailash Yadav Resident of village- Bhawravartar,
P.S.- Manpur, District- Nalanda.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ranvijay Singh, Advocate

For the Opposite Party/s : Mr. Damodar Prasad Tiwary, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 05-04-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Petitioner seeks bail, who is in custody since
18.06.2022 in connection with Manpur P.S. Case No. 128 of
2022, F.I.R. dated 01.06.2022 for the offences punishable under
Sections 147, 148, 149, 115, 302 of the Indian Penal Code.

Allegation against the petitioner is that he has
assaulted the informant's son on his head by iron rod with intent
to kill him causing rupture injury on his head, blood started
oozing out and he fell down and during course of treatment the
informant's son was declared dead.

Learned counsel for the petitioner submits that
petitioner has clean antecedent and he has falsely been
implicated in the present case. He further submits that it appears



from the F.I.R. that the date of occurrence as alleged in the F.I.R. is 30.05.2022 but the present F.I.R. has been instituted on 01.06.2022. He further submits that there is general and omnibus allegation against the petitioner and it appears from the F.I.R. that there is no motive to commit the present crime and the informant is not the eye witness of the alleged occurrence.

The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner and submits that it appears from the F.I.R. that there is direct allegation against the petitioner that he has assaulted the informant's son on his head by iron rod with intent to kill him and the postmortem report of the informant's son also support the allegation as alleged in the F.I.R.

Considering the aforesaid facts, I am not inclined to enlarge the petitioner on bail in connection with Manpur P.S. Case No. 128 of 2022 pending in the court of learned Additional Chief Judicial Magistrate-V, Biharsharif, Nalanda.

Prayer is refused.

(Rajesh Kumar Verma, J)

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