

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32827 of 2023

Arising Out of PS. Case No.-394 Year-2020 Thana- RIVILGANJ District- Saran

Sonu Miya Son Of Sahmud Miya @ Sahsud Miya Resident Of Village-
Pachpatra, Ps- Revilganj, Distt- Saran At Chapra

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rabindra Kumar Tiwari, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

3 24-08-2023 Heard the parties.

The petitioner is in judicial custody in connection with Rivilganj P.S. Case No.394 of 2020 instituted under Sections 120(B), 302/34 of the IPC lodged on 28.10.2020 by the informant Renu Kunwar.

As per the prosecution story, the informant has alleged that Tinku Miya and Sonu Miya (petitioner) gave knife blows to her son causing his death. Accordingly, the FIR.

In this case, coordinate bench had call for case diary which has since been received and learned APP has drawn attention of this Court to the statement made by Dheeraj Kumar, brother of the deceased to show that when he went to the place of occurrence, the deceased was alive. He informed that both Tinku Miya and Sonu Miya (petitioner) gave knife blows causing injuries to him. Later he succumbed to the said injuries.



Though learned counsel for the petitioner tried to distinct his case from that of Tinku Miya stating that he was the main assailant, the petitioner being brother has been dragged in the case, there is no eyewitness to the said occurrence, learned APP has submitted that it was the deceased himself who was alive at that time who informed his family members, as submitted above.

In the aforesaid background, particularly, when the bail application of Tinku Miya has been rejected by a coordinate bench in Cr. Misc. No.18867 of 2022, no relief can be granted for the present to the petitioner.

The bail application stands rejected.

(Rajiv Roy, J)

Prakash Narayan

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