

Patna High Court - Orders

Suresh Singh And Anr. vs The State Of Bihar on 16 August, 2011

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.11740 of 2011

Suresh Singh And Anr.

Versus

The State Of Bihar

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4 16-08-2011 Heard learned counsel for the petitioner as well as learned counsel for the state assisted by learned counsel for the informant.

This bail petition is being pressed on behalf of petitioner No. 2, namely, Vijay Kumar @ Vijay Kumar Singh.

Petitioner is in custody since 08.12.2010 in a case registered under sections-302/34 of the of the Indian Penal Code on the allegation that he alongwith three FIR named accused persons gave several blows of Bhujali , Chhura and other weapons to the deceased.

The contention of learned counsel for the petitioner is that there is no specific allegation of giving any weapon blows against the petitioner and in course of investigation, one witness also claimed to have seen fleeing away the petitioner from place of occurrence but the aforesaid witness has not stated this fact as to what weapon was being carried out by the petitioner at that time.

On the otherhand, learned counsel appearing for the informant points out that altogether 9 injuries were found on the person of the deceased and out of the aforesaid injuries, several injuries were said to be caused by sharp cutting weapons and the aforesaid fact clearly corroborates the prosecution story.

Taking into consideration the aforesaid facts and circumstances as well as submission of the parties, I do not feel it proper to release the petitioner on bail.

Accordingly, prayer for bail of the petitioner in connection with Ekma P.S. Case No. 169 of 2010 pending in the court of Chief Judicial Magistrate, Saran at Chapra stands rejected.

It appears that the case of the petitioner is still pending before the Chief Judicial Magistrate, Saran at Chapra. Let the case of the petitioner be committed to the court of sessions in accordance with law as early as possible.

AKV/-

(Hemant Kumar Srivastava,J.)