

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.55643 of 2015

Arising Out of PS.Case No. -129 Year- 2014 Thana -TARAIYA District- SARAN

1. Sudama Ram son of Ramayan Ram resident of Village Pipra, P.S. Taraiya, Distt. Saran.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mukesh Kumar Singh

For the Opposite Party/s : Mr. Anil Prasad Singh (App)

CORAM: HONOURABLE MR. JUSTICE MUNGESHWAR SAHOO
ORAL ORDER

2 15-12-2015 Heard the learned counsel for the petitioner and learned A.P.P. for the State.

The petitioner, namely, Sudama Ram is in custody in Taraiya P.S. Case No.129 of 2014 under Sections 447, 148, 323, 307/302, 379 of the Indian Penal Code.

The learned counsel for the petitioner submitted that there is general and omnibus allegation against all the 9 accused persons including the petitioner that by lathi and iron rod, they assaulted the son of informant as a result of which, the son of the informant died after 5 days during treatment. Section 302 I.P.C. has been added subsequently after death of the son of the informant. The learned counsel further submitted that the accused persons are *Patidars* of the informant and there is land dispute,

therefore, the petitioner and other co-accused persons have been falsely implicated in the case.

On the other hand, the learned A.P.P. objected the prayer and submitted that there is allegation against all the 9 accused persons and admittedly, during treatment, the informant's son died.

Perused the F.I.R. According to the F.I.R., all the 9 accused persons having lathi and iron rod assaulted the son of the informant who fell down unconscious and was taken to hospital at Masrakh from where he was referred to Patna where he died.

In view of the above facts and circumstances of the case that there is direct allegation and the son of the informant has died during treatment, at this stage, I am not inclined to grant bail to the petitioner and accordingly, the prayer for bail is rejected.

(Mungeshwar Sahoo, J)

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