

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.45263 of 2017

Arising Out of PS.Case No. -172 Year- 2017 Thana -CHAKIA District-
EASTCHAMPARAN(MOTIHARI)

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1. Jiyalal Bhagat son of Laxman Bhagat resident of village - Ghaghanti, P.S.
Chakia, District - East Champaran.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Umesh Chandra Verma

For the Opposite Party/s : Mr. Sri Sanjay Kumar Tiwary

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 23-11-2017 Heard learned counsel for the petitioner, learned
counsel for the informant and learned APP for the State.

Petitioner is languishing in judicial custody since
24.06.2016 in connection with Chakia P.S. Case No. 172 of 2017
for offences punishable under Sections 341, 323, 324, 447, 379,
504 of the Indian Penal Code and later on Sections 307 and 302
IPC was also added.

The prosecution case, as lodged by the informant, is
that while her old house was being re-constructed, the petitioner
along with five other persons, who are her own agnates, came
variously armed with Farsa, Lathi, Fattha and iron rod and started
assaulting the informant's side. Specific allegation upon three lady



co-accused is that they tried to press the neck of the deceased, Bijendra Kumar and the petitioner first assaulted him with a rod and thereafter, assaulted him with bricks. Subsequently, the said Bijendra Kumar died during course of treatment.

It has been submitted by the learned counsel for the petitioner that he is innocent, bears no criminal antecedent and it was a civil dispute between the parties, they are agnates and that allegations are general and omnibus and not specific. He submits that charge-sheet has already been submitted and there is no allegation of tampering of the prosecution witnesses by the petitioner.

On the other hand, learned counsel for the informant and learned APP for the State vehemently opposes the prayer for bail stating therein that it was on account of injury, caused by the petitioner, Bijendra Kumar Succumbed to the injuries and as per post-mortem report, the neck was normal and blood was seen in the cranial cavity and opinion of death is due to head injury, caused by hard and blunt substance.

Considering the facts and circumstances and the materials on record, I am not inclined to grant privilege of bail to the petitioner at this stage. Accordingly, his prayer for bail is



rejected in connection with Chakia P.S. Case No. 172 of 2017
pending before learned 13th Additional Chief Judicial Magistrate,
East Champaran, Motihari.

(Nilu Agrawal, J)

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