IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.22015 of 2017

Arising Out of PS.Case No. -22 Year- 2017 Thana -SURSAND District- SITAMARHI

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1. Vikram Mishra Son of Late Ramasharay Mishra, R/o Village- Dhanari, P.S.- Sursand, District- Sitamarhi.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr. Ashok Kumar Jha
For the Opposite Party/s : Mr. Md. Fahimuddin

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

4 29-06-2017 Heard learned counsel for the petitioner and learned APP for the State.

Petitioner seeks bail in a case registered for the offences punishable under Sections 147, 148, 149, 341, 323, 307 and 302/504 of the Indian Penal Code.

For land dispute, the petitioner and co-accused Shyam Sunder Mishra @ Bhulan Mishra caused injury to the husband of the informant with lathi as a result whereof he died subsequently.

Learned counsel for the petitioner submits that the inquest report would reveal that no external injury was found.

The Doctor who performed the post-mortem also did not record any external injury at the head. However, on dissection the parietal bone was found fractured and clotting of

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blood was there which was cause of death.

Petitioner is in custody since 03.02.2017. There is case and counter case.

Learned counsel for the informant submits that the petitioner had knowledge while committing assault at the head that his act might cause death, hence, prima facie, offence of culpable homicide is attributed. Charge-sheet has already been submitted against the petitioner.

Considering the aforesaid facts and nature of allegation, I am not inclined to enlarge the petitioner on bail for the present in connection with Sursand Police Station Case No. 22 of 2017 pending in the Court of learned Chief Judicial Magistrate, Sitamarhi.

However, the petitioner may renew his prayer for bail if the trial is not concluded within nine months from the date of receipt of a copy of this order.

(Birendra Kumar, J)

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