

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9214 of 2019

Arising Out of PS. Case No.-100 Year-2018 Thana- MOTIHARI MUFASIL District- East
Champaran

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DINA NATH PRASAD @ DINANATH Son of Rajendra Prasad Resident of
Village- Surha, Police Station- Muffasil, District- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ansul

For the Opposite Party/s : Mr. Choubey Jawahar

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

6 10-04-2019 Heard learned counsel for petitioner, learned counsel
for informant and learned counsel for the State.

The petitioner seeks bail in Muffail P.S. case no. 100
of 2018 instituted for the offence under Section(s) 147, 148,149,
323, 324, 307, 302 and 120B of the Indian Penal Code.

Earlier the prayer for bail of petitioner was rejected
by this Hon'ble Court vide order dated 15.1.2019 passed in Cr.
Misc. no. 73419 of 2018.

Learned counsel for petitioner submits that petitioner
is not the main assailant. He further submits that there is no
mention in the written report that petitioner was armed with
Knife. It has further been submitted that injury has also been
sustained by petitioner and his father. In support of said



submission, injury report of the petitioner and his father has been annexed as Annexure-3 series to the bail petition.

Learned APP and learned counsel for informant have appeared and submitted that informant and his brother in their further statement have stated before the police that this petitioner along with Raju Giri gave indiscriminate knife blow to their father on account of which he died. He further submits that informant and his brother Jitu Kumar also sustained injuries caused by sharp cutting weapon which finds mention in paragraph nos. 29 and 58 of the case diary. It has further been submitted that doctor has found three injuries on the person of deceased caused by sharp cutting instrument in the postmortem report. The cause of death has been opined to be Haemorrhage as a result of liver and lung injury by sharp cutting instrument.

It is alleged in the written report that on the date of occurrence while father of informant was cutting the soil on his land, the petitioner with other accused persons as mentioned in the written report armed with *lathi*, *danda*, knife arrived at the place of occurrence. The informant, on getting information rushed to place of occurrence along with his younger brother, namely, Jitu Kumar and saw that this petitioner along with Raju Giri were indiscriminately assaulting his father causing injury



to him on account of which he died on the spot. It is further alleged that petitioner caused injury with sharp cutting weapon to the informant and his brother also when they made protest and tried to save their father.

Learned APP has pointed out postmortem report of the deceased and the injury report of the informant and his brother which support the allegation as made in the written report. The deceased died due to injury caused by sharp cutting weapons. The informant and his brother have also sustained injury by sharp cutting weapons. The informant and his brother in their further statement have stated before the police that petitioner along with Raju Giri gave indiscriminate knife blow to their father, on account of which he died. In this manner, the petitioner is one of the main assailant along with other accused person. Therefore, this Court is not inclined to grant bail to the petitioner at this stage. The prayer for bail of the petitioner is again rejected.

Trial Court is directed to expedite the trial.

(Sanjay Priya, J)

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