

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21255 of 2019

Arising Out of PS. Case No.-164 Year-2018 Thana- GOPALGANJ TOWN District-
Gopalganj

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SHYAMLAL PRASAD, Son of Chandradev Prasad, Resident of Village -
Dumariya, P.S.- Town, Distt.- Gopalganj.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dilip Kumar Tondon, Advocate
For the Opposite Party/s : Mr. Nagendra Prasad, Advocate

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

4/ 09-07-2019 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner seeks bail in **Gopalganj P.S. Case No.164
of 2018** instituted for the offence under Section(s) 302 and other
allied sections of Indian Penal Code pending in the Court of the
Chief Judicial Magistrate, Gopalganj.

Counsel for the petitioner submits that there is case
and counter case between the parties. There is land dispute.
Instant case has been filed as counter blast of the earlier case
filed by the accused persons against the informant's side vide
Gopalganj Town P.S. Case No.163 of 2018 in which it is alleged
that this petitioner was assaulted by the informant of this case.

In the written report, it is alleged that this petitioner



assaulted uncle of the informant on head with “*pasa*” of spade on account of which he sustained head injury and subsequently died.

Case diary has been received.

Counsel for the State has submitted that one of the injured, Ashraf Ali, in his statement in para 8 has supported the case and levelled specific allegation against the petitioner of assaulting the deceased with spade. Similar statement has been made by other witness in para 9 of the case diary.

Postmortem report is available in the case diary, wherein, doctor has found one injury on the head and cause of death was aforesaid head injury. The doctor has found left side of skull bone at occipital area fractured.

In such circumstances, this Court is not inclined to enlarge the petitioner on bail.

Prayer of the petitioner for grant of bail is **rejected at this stage.**

The trial Court is directed to expedite the trial.

(Sanjay Priya, J)

J. Alam/-

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