

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20419 of 2019

Arising Out of PS. Case No.-52 Year-2018 Thana- MALI District- Aurangabad

1. Jitendra Singh @ Jitendra Kumar Singh S/o Late Ramdeo Narayan Singh
R/o village- Bagahi, P.S.- Mali, District- Aurangabad
2. Rabindra Singh @ Rabindra Kumar Singh S/o Sri Dalandeo Narayan Singh
@ Dalandeo Singh @ Dallu Singh R/o village- Bagahi, P.S.- Mali, District-
Aurangabad

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ajay Kumar Thakur. Mr. Babita Kumari
For the Opposite Party/s	:	Mr. Rina Sinha

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

4 09-08-2019 Heard learned counsel for the petitioners and learned
APP for the State.

The petitioners seeks bail in a case initially registered under Sections 341, 323, 307, 504, 506 of the Indian Penal Code and later on, Section-302 was also added.

The prosecution case, in brief, is that in the backdrop of irrigating the field, dispute arose and in consequence thereof, hot exchange of words took place between the parties, as a result of which, the accused persons assaulted uncle of the informant with Gadansa and Khanti causing multiple injuries. The uncle of the informant, later on, died in course of treatment.

It has been submitted on behalf of the petitioners that the



petitioner No. 1 has got no criminal antecedent. There is no allegation of tampering of witnesses alleged against the petitioners. The petitioners are in custody since 21-12-2018. Charge sheet has already been submitted. The alleged occurrence is said to have taken place due to irrigation of field. The weapon used in course of occurrence is Gadansa and Khanti. Single Gadansa blow is alleged to have been given by petitioner No. 1 and Single Khanti blow is alleged to have been given by petitioner No. 2. No repetition of blow is alleged against the petitioners. The alleged occurrence is said to have taken place in a spur of moment. At best, a case under Section 304 of the Indian Penal Code is made out. As per injury report (Annexure-4 to the present application), nature of injury is said to be simple. The death has taken place after ten days of the occurrence. Single head injury is alleged to have been found on the deceased. It cannot be ascertained as to who gave fatal blow on the head of the deceased. There is case and counter case between the parties. The injury on the side of the accused has not been explained by the prosecution.

On behalf of the State, it is submitted that the petitioner is named in the Complaint Case/F.I.R. There is specific allegation of assault alleged against the petitioners though there is only one



injury on the head of the deceased.

Considering the nature of accusation, I am not inclined to grant bail to the petitioners. Accordingly, prayer for bail of the petitioners in connection with Mali P.S. Case No. 52 of 2018 is rejected at this stage.

(Sudhir Singh, J)

A.K.V//-

U		T	
---	--	---	--

