

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33348 of 2019

Arising Out of PS. Case No.-142 Year-2018 Thana- SANGRAMPUR District- East
Champaran

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Jaleshwar Sahani, son of Late Thakuar Sahani, resident of Village-Puchariya
Babu Tola, P.S.- Sangrampur, District- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dhannjay Kumar No 2, Advocate

For the Opposite Party/s : Mr. Mithlesh Kumar Khare, APP

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

5 11-09-2019 Heard the learned counsel for the petitioner,

the informant and the State.

The petitioner seeks bail in connection with

Sangrampur P.S. Case No. 142 of 2018 instituted for

the offences punishable under Sections 302/34 of the

Indian Penal Code.

It has been alleged that the petitioner used a

weapon by the name of *Ekari* which is meant for fishing,

for assaulting the deceased on his head from behind.

Other persons are also alleged to have assaulted the

deceased.

The learned counsel for the petitioner has



submitted that there does not appear to be any injury on the back portion of the head of the deceased, which completely belies the prosecution version and makes the ocular testimony of the informant absolutely suspect and doubtful. He further submits that the cause of death is by hard and blunt substance.

The petitioner is in custody since 20.01.2019.

The learned counsel for the informant, on the other hand, has submitted that the petitioner is the main author of the fatal injury and therefore he does not deserve to be granted bail.

The learned counsel for the State has also supported the contentions of the learned counsel for the informant.

One of the injuries suffered by the deceased is on parietal region and merely on the ground of the location of the injury to be inconsistent with the ocular testimony in the F.I.R, the allegation against the petitioner cannot be thrown overboard at this stage.



What side of the weapon was used for assaulting the deceased is also not known, which would perhaps become clear only later.

In that view of the matter, merely because the death is said to have been caused by the impact of attack by the hard and blunt substance cannot be a ground to view the prosecution with suspicion.

However, the aforesaid grounds may be urged by the petitioner later, if so advised.

For the present, this Court is not inclined to grant bail to the petitioner.

The prayer for bail is rejected.

(Ashutosh Kumar, J)

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