

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.74337 of 2018

Arising Out of PS. Case No.-256 Year-2017 Thana- KARAKAT District- Rohtas

Binod Singh Son of Rambachan Singh, Resident of Village- Amarthia, P.S.-
karakat, District- Rohtas.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dharmendra Kumar Singh
For the Opposite Party/s : Mr. S. Ehteshamuddin

CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

4 22-02-2019 Heard learned counsel for the petitioner, learned APP
for the State and learned counsel for informant.

The petitioner seeks bail in Karakat P. S. Case No.
256 of 2017 instituted for the offence under Section(s) 147, 148,
149, 341, 323, 307, 302, 120B, 504 and 506 of the Indian
Penal Code.

In the written report, it is alleged that on the date of
occurrence, petitioner and other accused persons as named in
the written report armed with weapons surrounded the brother
of the informant and his other family members. It is further
alleged that this petitioner along with Upendra Singh assaulted
the brother of informant, namely, Ramchandra Singh with iron
rod and co-accused, namely Santosh Singh assaulted the
brother of informant on eye with bricks, on account of which



he died on the spot. It is further alleged in the written report that accused persons assaulted the other members of the prosecution party and they have also sustained injuries.

Learned counsel for petitioner submits that occurrence is alleged to have taken place on 25.12.2017 whereas the FIR has been registered on 26.12.2017. Learned counsel further submits that other persons who are alleged to have sustained injuries have not been examined. It is further submitted that son of the deceased in paragraph nos. 5 and 6 have not alleged specific allegation against this petitioner.

Learned APP for the State has submitted that informant in his further statement at paragraph no.4 of the case diary has supported the case levelling allegation against this petitioner of causing assault on the head of the brother of the informant with iron rod. He further submits that doctor had prepared the inquest report which is available at para 2 of the case diary, wherein the injury has been found on the head of the the brother of informant caused by hard and blunt substance. He points out postmortem report, wherein it is mentioned that death has been caused due to hemorrhage and shock on account of injuries caused by hard and blunt substances. The doctor has found lacerated wound over the left side of forehead and



depressed fracture of frontal bone and also injury on the eye and adjoining area.

Learned counsel for informant has appeared and opposed the prayer for bail. He submits that petitioner has suppressed the fact in para 3 of the bail petition that he has no criminal antecedent. He has filed a counter affidavit stating therein that petitioner is in accused in Karakat P.S. case no. 159 of 2014 U/s 147, 148, 341, 323, 504 and 307 of the IPC.

This Court, after hearing the submissions of the parties and after looking in the allegation as contained in the FIR, finds that there is specific allegation against this petitioner of causing head injury to the brother of informant by hard and blunt object. The doctor has opined in the postmortem report that death has been caused due to head injury. It also appears that one other case is pending against the petitioner which was not mentioned in para 3 of the bail petition. Therefore, this Court is not inclined to grant bail to the petitioner at this stage. The prayer for bail of the petitioner stands rejected.

Trial Court is directed to expedite the trial.

(Sanjay Priya, J)

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