

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 44294 of 2019

Arising Out of PS Case No.-118 Year-2019 Thana- MASHRAKH District- Saran

Shivdhar Ram, Male aged about 60 years, Son of Late Salgu Ram Resident of village- Arna, Bichla Tola, P.S.- Mashrakh, District- Saran at Chapra (Bihar).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Rakesh Kumar, Advocate
For the State	:	Mr. Ram Bilash Roy Raman, APP
For the Informant	:	Mr. Jeetendra Narayan, Advocate

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN
AMANULLAH

ORAL JUDGMENT

Date : 04-12-2019

Heard learned counsel for the petitioner; learned APP for the State and learned counsel for the informant, who has *suo motu* appeared.

2. The petitioner seeks bail in connection with Mashrakh PS Case No. 118 of 2019 dated 31.03.2019 instituted under Sections 341, 323, 504, 506 and 302/34 of the Indian Penal Code.

3. The petitioner along with two other co-accused are alleged to have assaulted the father of the informant with sticks and fists.

4. Learned counsel for the petitioner submitted that in the FIR, it has been stated that the incident happened in the house



of the petitioner but the body was found outside on the road. It was further submitted that the FIR was lodged after the inquest and postmortem on the next day for which there is no explanation. It was submitted that in the postmortem also only one injury of swelling on the head has been found.

5. Learned APP, from the case diary and learned counsel for the informant submitted that there is no discrepancy in the place of occurrence, inasmuch as, on the spot where the body has been found is the road in front of the house of the petitioner. With regard to the delay, it was submitted that on 30.03.2019, at 7:00 PM, the incident occurred and the inquest was prepared at 10:50 PM at night and the seizure list was prepared at 1:00 AM and the FIR was lodged at 2:00 AM in the morning and, thus, there is absolutely no discrimination. It was submitted that there was sufficient motive and there is no explanation given why there would be false implication. It was further submitted that in the postmortem, the doctor has found blood clot in cranium (skull) and has opined that death was due to hemorrhage and shock due to head injury caused by hard blunt substance.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, the Court is not inclined to enlarge the petitioner on bail.



7. Accordingly, the application stands dismissed.

(Ahsanuddin Amanullah, J.)

P. Kumar

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