

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52929 of 2019

Arising Out of PS. Case No.-13 Year-2019 Thana- BADHAILA District- Rohtas

=====

TEGA RAM Son of Late Fakira Ram Resident of Village - Gosaipur, P.S.-
Baghaila, District- Rohtas

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Kumar Sunil

For the Opposite Party/s : Mr. Amit Kumar Rakesh

=====

**CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA
JAISWAL**

ORAL ORDER

5 27-11-2019

Heard learned counsel for the petitioner and learned

APP for the State.

The petitioner seeks bail in a case registered for the
offence punishable under Sections 302/34 & 120-B of the Indian
Penal Code.

Petitioner along with five other named accused
persons are said to have taken the son of the informant from his
house and his son was recovered by the police from the house of
the petitioner in injured condition. He was rushed to the hospital
but declared brought dead by the doctor.

It is submitted by learned counsel for the petitioner
that the petitioner has no concern with the aforesaid occurrence. As
a matter of fact, one year back to this occurrence, the deceased had



tried to outrage the modesty of the daughter of the petitioner intruding into his house and on the date of occurrence he was also intruding into his house through roof but fell down and sustained injury. Thereafter, he was rushed to the hospital in injured condition and was declared brought dead by the doctor. He was not found dead in the house of the petitioner. There is no eye witness of assaulting the deceased by the petitioner. No motive behind the occurrence is attributed to the petitioner. The petitioner has no criminal antecedent and has been languishing in custody since 18.02.2019.

Per contra, learned APP for the State vehemently opposing the bail petition submitted that the petitioner is said to have taken the deceased from his house along with others and the deceased was recovered in injured condition from the house of the petitioner. He was rushed to the hospital but was declared brought dead by the doctor. Informant has supported the occurrence. The doctor, who has conducted the autopsy of the cadaver of the deceased, has found multiple injuries on the person of the deceased. Witness in para-51 of the case diary has stated that on the date of occurrence the deceased climbed on the roof of the informant and was apprehended during the course of scaling in his courtyard and was assaulted by the petitioner and others



resultantly he was seriously injured and succumbed to his injury.

Hence, the petitioner does not deserve bail.

In the facts and circumstances of the case, I am not inclined to enlarge the petitioner on bail. The prayer for bail is hereby rejected.

(Prakash Chandra Jaiswal, J)

Trivedi/-

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

