

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68903 of 2019

Arising Out of PS. Case No.-171 Year-2019 Thana- BAHADURGANJ District- Kishanganj

1. MOHD. AKALU @ AKALU Son of Late Ataur Rahman Resident of Bamantoli @ Babhantoli, Desiatoli, P.S. Bahadurganj, District- Kishanganj, Bihar.
2. Sarfaraz @ Sanfaraz Son of Mohd. Akalu Resident of Bamantoli @ Babhantoli, Desiatoli, P.S. Bahadurganj, District- Kishanganj, Bihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Jitendra Kumar Giri
For the Opposite Party/s	:	Mr.Akhileshwar Dayal
For the informant	:	Mr. Rajnish Kumar

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

3 12-12-2019 Heard the learned counsel for the petitioners and the learned APP for the State.

The petitioners seek regular bail in connection with Bahadurganj PS case no. 171 of 2019 instituted for the offences punishable under Sections 341, 323, 325, 307, 354, 379, 302, 506/34 of Indian Penal Code and Section 8 of Protection of Children from Sexual Offence Act, 2012.

The case of the prosecution in brief is that the father of the informant had gone to the market to buy materials for constructing pillars and had come home at about 4 pm, whereafter at about 7 pm on the date of occurrence, the petitioners and one other co-accused person had come to the



house of the informant and thereafter, they had pressed the mouth of the father of the informant and had dragged him away from the house, whereupon they had attacked the father of the informant by *hasua* and had given *hasua* blows on various parts of the body of the father of the informant and when the informant had reached there, the petitioner no. 2 had also assaulted him.

The learned counsel for the petitioners has submitted that the petitioners are innocent and have been falsely implicated in the present case on account of ongoing civil dispute. It is further submitted that the FIR has been lodged belatedly, inasmuch as the incident is said to have taken place on 07.06.2019 whereas the FIR has been lodged on 12.06.2019, thus the petitioners are required to be given the benefit. It is further submitted that the petitioners are having clean antecedent and are languishing in custody since 06.07.2019.

I have gone through the records of the case, heard the learned counsel for the petitioners and perused the case diary, from which it is apparent that there is direct allegation upon the petitioners of having assaulted the father of the informant brutally resulting in his death. Ample materials are present in the case diary to *prima facie* make out a case against



the petitioners herein of having assaulted the father of the informant brutally resulting in his death.

Considering the materials available on record as also considering the seriousness of the charges levelled and the gravity of offence, I do not find that the present case is a fit case for grant of regular bail, hence the same stands dismissed.

(Mohit Kumar Shah, J)

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