

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73227 of 2019

Arising Out of PS. Case No.-33 Year-2019 Thana- NARDIGANJ District- Nawada

SURESH LATHAUR @ SURESH RATHAUR Son of Bulaki Lathuar @
Bulaki Rathuar Resident of Village - Indra Nagar, P.S.- Hisua, Distt - Nawada.
... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Arun Kumar Arun

For the Opposite Party/s : Mr.Jai Narain Thakur

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

3 10-12-2019 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner who is in custody since 07.02.2019 has
filed the instant application for grant of bail in connection with
Nardiganj P.S. Case No. 33 of 2019 (District-Nawada)
registered for the offence punishable under section 302 of the
Indian Penal Code.

As per the allegation in the FIR, it is stated by the
informant that on asking for his money back, the petitioner gave
a blow with 'Khanti' on the head of the informant's husband as
a result of which he started to bleed and was taken to the
hospital. Thereafter the husband of the informant was referred to
another hospital and in the process, he died.

By order dated 25.11.2019 case diary had been called
and the same has been received.

It is submitted by learned counsel for the petitioner
that from perusal of the F.I.R. itself it would transpire that in a



small altercation alleged blow is said to be given by the petitioner and that led to lodging of the F.I.R. Even as per the F.I.R., it was a single blow. It is submitted that no offence under section 302 of the IPC is made out and at best it may be a case under section 304 Part II of the Indian Penal Code.

It is submitted by learned APP for the State that the material and the case diary supports the allegation as made in the F.I.R. Postmortem report also supports the allegation as narrated by the informant.

Having heard learned counsel for the parties and taking into consideration the direct allegation against the petitioner of having given 'Khanti' blow on the head of the informant's husband leading to his death and which has been supported by the postmortem report, this Court is not inclined to grant bail to the petitioner and as such the petitioner's application for bail is rejected.

It is submitted by learned counsel for the petitioner that the petitioner is in custody since last 10 months and the case has been committed.

In view of the above, let the trial be expedited.

(Partha Sarthy, J)

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