

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7007 of 2020

Arising Out of PS. Case No.-577 Year-2019 Thana- KATIHAR District- Katihar

TAPASH KUMAR @ TAPASH KUMAR DAS S/o Upendra Das R/o- Teja
Tola, P.S.- Katihar Sahayak, Distt.- Katihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjeev Kumar Singh

For the Opposite Party/s : Mrs. Anita Kumari Singh

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

4 03-06-2020 The present case was heard at length on 29.05.2020
and today the same has been listed 'For Orders'.

The petitioner seeks regular bail in connection with
Katihar Town P.S. Case No. 577 of 2019 for the offence
punishable under Sections 302/34 of the Indian Penal Code.

The case of the prosecution in brief is that in the night
of 29.08.2019 all the accused persons including the petitioner
herein had arrived at the house of the informant and taken
away her son, namely, Rupesh Kumar and after half an hour
when the informant heard the sound of crying of her son, she
reached at the Middle School, Teja Toli and saw that the
accused persons were assaulting her son and later on the said
son of the informant died during the course of treatment at
Siliguri.



The learned counsel for the petitioner has submitted that the petitioner is innocent, has been falsely implicated in the present case, is having a clean antecedent and is languishing in custody since 05.09.2019. It is further submitted that though the date of occurrence is 29.08.2019, initially a U.D. case was lodged on 30.08.2019 whereafter the present F.I.R. has been lodged belatedly on 02.09.2019.

Per contra, the learned A.P.P. for the State has vehemently opposed the prayer for bail.

I have heard the learned counsel for the parties, gone through the materials on record and perused the case diary.

It is apparent from the case diary that the witnesses have supported the incident as also the factum of the petitioner having participated in assaulting the son of the informant along with others. The postmortem shows as many as eight injuries on the person of the deceased and the doctor having conducted the postmortem has opined that the death of the deceased was due to the effects of head injury as noted in the postmortem, ante mortem in nature.

Considering the aforesaid facts and circumstances of the case as also taking into account the materials available in the case dairy which definitely prima facie shows the



complicity of the petitioner in the alleged crime, I do not find the present case a fit case for grant of bail, hence the same stands dismissed.

(Mohit Kumar Shah, J)

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