

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13119 of 2020**

Arising Out of PS. Case No.-23 Year-2019 Thana- DARPA District- East Champaran

SIKANDAR MALI Son of Shivnan Mali @ Shivnand Mali Resident of
Village - Siswaniya, P.S.- Darpa, Distt - East Champaran.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sangeet Deokuliari
For the Opposite Party/s : Mr.Zainul Abedin

**CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER**

4 08-06-2020 The present case was heard at length on 03.06.2020 and
today it has been placed before this Court 'For Orders'.

The petitioner seeks regular bail in connection with
Darpa P.S. Case No. 23 of 2019 for the offence punishable
under Sections 147, 149, 447, 448, 341, 323, 307, 302 and
504/34 of the Indian Penal Code.

The case of the prosecution in brief is that while the
informant, namely, Durga Devi was sleeping in her house in the
night of 21.02.2019, at about 9:00 P.M. the petitioner and other
co-accused persons had entered inside the house of the house
and abused and assaulted her causing injury on her head and
right hand. It is further alleged that when the daughter of the
informant had come there to rescue the informant, the accused



persons had also assaulted her whereafter the petitioner had snatched the grand daughter of the informant from the lap of her mother and had thrown her on the ground who subsequently died during the course of treatment.

The learned counsel for the petitioner has submitted that though the date of occurrence is 21.02.2020, the postmortem has been conducted on 23.02.2020, which shows that the death of the deceased victim girl had taken place within six hours of the conduct of the postmortem and the FIR has been filed on 25.02.2020 belatedly, which goes to show that the petitioner has been falsely implicated in the present case. It is further submitted that the petitioner is innocent, is having a clean antecedent and is languishing in custody since 02.12.2019. It is further submitted that a bare perusal of the postmortem report would show that the deceased has received a bruise of the size 1" x1" on the back portion of the head and cause of death has been ascribed as shock due to hard and blunt substance whereas the allegation against the petitioner is that he had thrown the deceased on the floor but surprisingly there is no other injury on the person of the deceased.

Per contra, the learned A.P.P. for the State has



vehemently opposed the prayer for bail.

Having considered the submissions made by the learned counsel for the parties, taking into consideration the materials on record and upon perusal of the case diary, this Court finds that there are ample materials/evidence on the record of the case which has been collected by the Police upon investigation so as to suggest the complicity of the petitioner in the alleged crime. Moreover, there is a direct allegation on the petitioner of having killed the grand daughter of the informant, hence, I do not find the present case to be a fit case for grant of regular bail to the petitioner herein, considering the heinous crime alleged to have been committed by the petitioner as also the grievousness of the offence alleged as against the petitioner herein. Thus, the present petition stands dismissed.

(Mohit Kumar Shah, J)

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