

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12900 of 2020

Arising Out of PS. Case No.-275 Year-2019 Thana- PAKRIDAYAL District- East Champaran

Bhola Singh @ Sanjeev Kumar, S/o Late Manoj Singh Resident of Village-
Ajarwa, P.S.- Pakarideyal, Distt- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Yogesh Chandra Verma- Sr. Advocate
For the Opposite Party/s : Mr. Shailendra Kumar- A.P.P.

**CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA**

ORAL ORDER

4 27-08-2020 Heard learned counsel appearing for the petitioner as well as learned Additional Public Prosecutor appearing for the State through video conferencing.

It is informed that the power on behalf of the informant has been filed, but the same has not been placed on the record.

Petitioner is in custody since 06.09.2019 and seeks bail in connection with Pakarideyal P. S. Case No.275 of 2019 registered for the offences punishable under Sections 341, 323, 324, 307, 302, 504/34 of the I.P.C.

Petitioner is said to have given spade blow on the head of deceased whereas other F.I.R. named accused assaulted the deceased by means of other weapons. The post mortem



report of deceased goes to show that deceased sustained several injuries, particularly one injury was found on his head.

Learned counsel appearing for the petitioner submits that even if the prosecution story is assumed to be true, then also it is not a case of Section 302 of the I.P.C. and at best a case of Section 304-II of the I.P.C. is made out. He further submits that written report discloses that the alleged occurrence took place on account of dispute of blockage of the road and, therefore, the aforesaid fact goes to show that alleged occurrence took place due to sudden provocation.

Considering the aforesaid facts and circumstances of the case as well as submissions of the parties, I am not inclined to release the petitioner on bail, for the present and, accordingly, his prayer for bail stands rejected.

(Hemant Kumar Srivastava, J)

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