

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14681 of 2020

Arising Out of PS. Case No.-204 Year-2019 Thana- GHANSHYAMPUR District- Darbhanga

Hari Kamti aged 55 years (M), S/o Late Madho Kamti, R/V- Jaideopatti, P.S.
Ghanshyampur, District. Darbhanga.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Ajay Kumar, Adv.

For the Opposite Party/s : Mr. Dashrath Mehta, APP.

For the Informant : Mr. Baleshwar Kamat, Adv.

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY

ORAL ORDER

6 13-08-2020 Heard learned counsel for the petitioner, learned APP
for the State and learned counsel for the informant, through
video conferencing.

The petitioner has filed the instant application for
grant of regular bail in connection with Ghanshyampur P.S.
Case No. 204 of 2019 registered under sections 302, 307, 341,
323 and 34 of the Indian Penal Code.

As per allegation in the FIR, it is stated by the
informant that over a minor dispute relating to opening of lock
of bathroom, the four named accused persons including the
petitioner herein started to abuse the informant and on her
husband asking them not to abuse, it is stated that the petitioner
struck her husband with a brick on his head. It is further stated
that in a serious condition he was taken to Ghanshyampur PHC



from there he was referred to DMCH and he died in course of treatment. The cause of occurrence is stated to be land dispute.

Case diary had been called for in the case and the same has been received.

It is submitted by learned counsel for the petitioner that from the allegation in the FIR, it would transpire that over a minor dispute, the petitioner is alleged to have given a single blow. It is further submitted that the allegation is absolutely false and the reason for false implication is evident from the FIR itself which is pending land dispute between the parties. The petitioner is in custody since 15.10.2019 and has no criminal antecedent.

The application for bail is opposed by learned APP for the State and learned counsel for the informant.

Having heard learned counsel for the parties and on going through the post-mortem report, which is available with the case diary, it transpires that the allegation as levelled against the petitioner in the FIR, is fully supported by the post-mortem report. The right temporal bone of the husband of the informant was found to be in pieces, the injury having been caused by hard and blunt object. There being direct allegation against the petitioner, the Court is not inclined to enlarge the petitioner on



bail and, as such, the application for bail is rejected.

(Partha Sarthy, J)

sushma/-

U			
---	--	--	--

