

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14724 of 2020

Arising Out of PS. Case No.-511 Year-2019 Thana- SHERGHATI District- Gaya

Manoj Choudhary Son of Late Raja Choudhary Resident of Village - Jhaur,
P.S.- Sherghati, Dist.- Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Vishwa Ranjan Choudhary, Advocate

For the Opposite Party/s : Mr.Anil Kumar, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

4 06-07-2020 Heard learned counsel for the petitioner and learned
APP for the State through video conferencing.

The petitioner who is in custody since 22.12.2019
has filed the instant application for grant of regular bail in
connection with Shergathi P.S. Case no. 511 of 2019 registered
under sections 341, 323, 324, 307, 302 and 34 of the Indian
Penal Code.

As per allegation in the FIR, as a result of a cow of
the informant having gone towards the house of the petitioner, it
is stated that the petitioner started to hit the cow and on protest,
he came abused and assaulted the grand father of the informant



with danda and a tangi on his head as a result of which he sustained head injuries and fell down unconscious. The grand father of the informant died in course of treatment on 27.10.2019.

It is submitted by learned counsel for the petitioner that as would be evident from perusal of the FIR, the dispute was over a small issue and the allegation as levelled in the FIR are highly exaggerated. In fact the grand father of the informant on having fallen down sustained injuries on his head leading to his death in course of treatment and thereafter the instant FIR was lodged falsely implicating the petitioner in the case. It is submitted that the petitioner has no criminal antecedent and is in custody since 22.12.2019.

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

Case diary and injury report had been called for in the instant case and the same has been received. From perusal of the post-mortem report of the grand father of the informant it transpires that an incised wound was found on his head and in the opinion of the doctor the death is due to the head injury caused by sharp cutting weapon. This injury is directly attributable to the petitioner.



Having heard learned counsel for the parties and in the facts and circumstances of the case, the Court is not inclined to enlarge the petitioner on bail and as such his application for bail is rejected.

(Partha Sarthy, J)

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