

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.17817 of 2020**

Arising Out of PS. Case No.-138 Year-2019 Thana- THARTHARI District- Nalanda

RAJNISH KUMAR S/o Dinesh Prasad R/o village- Kariawan, P.S.- Tharthari,
District- Nalanda

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Lovekush Kumar

For the Opposite Party/s : Mr.Nirmal Kumar Sinha

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

3 21-08-2020 Heard learned counsel for the petitioner and learned APP
for the State.

The petitioner in the present case is seeking regular bail in connection with Tharthari P.S. Case No.138/2019 registered for the offences punishable under Sections 341, 323, 307, 448, 354, 379 and 504/34 of the Indian Penal Code.

Learned counsel for the petitioner submits that although the case was registered under Sections 341, 323, 307, 448, 354, 379 and 504/34 of the Indian Penal Code but later on in course of treatment the informant died, therefore, Section 302 IPC has also been added. It is submitted that there are general and omnibus allegations against the petitioner. The petitioner is in jail since 04.09.2019 and co-accused has been granted bail, therefore the petitioner deserves the privilege of regular bail.



Learned APP for the State has opposed the prayer for regular bail of the petitioner. It is submitted that the informant who died later on has specifically alleged in the FIR that this petitioner had assaulted him by an iron rod on his head and shoulder causing grievous injuries and this allegation finds support from the postmortem report which suggests injuries on vital part attributed to this petitioner. It is, thus, submitted that the petitioner is the main assailant and does not deserve the privilege of regular bail considering the seriousness of the offence.

Having regard to the facts and circumstances of the case and upon perusal of the case diary, this Court having noticed that there are specific allegations against the petitioner of assaulting the informant (since deceased) which proved fatal and ultimately the informant died, the allegations being supported by the postmortem report, considering the seriousness of the offence and that the petitioner is the main assailant, this Court is not inclined to grant regular bail to the petitioner. The prayer for regular bail is, thus, refused.

Let the trial be expedited.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

