

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18911 of 2020

Arising Out of PS. Case No.-58 Year-2019 Thana- PHULWARIA District- Begusarai

GAUTAM DAS S/o Late Sambu Das R/o- Shokahara- Gachhi Tola, P.S.-
Phulwariya, Distt.- Begusarai

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shubhesh Pandey

For the Opposite Party/s : Mr.Raj Ballabh Singh

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

4 21-09-2020 The present petition has been taken up for consideration through the mode of Video conferencing in view of the prevailing situation on account of COVID 19 Pandemic, requiring social distancing.

Heard the learned counsel appearing for the petitioner and Shri Raj Ballabh, learned A.P.P. for the State.

The petitioner seeks regular bail in connection with Phulwaria P.S. Case No. 58 of 2019 for the offence punishable under Sections 120(B), 302/34 of the Indian Penal Code.

The case of the prosecution in brief is that on 18.05.2019, the brother of the informant had gone to sleep on the roof of the house. It is further alleged that the petitioner and his wife had conspired together whereafter they had gone on the roof of the house and brutally assaulted the brother of the informant resulting in his death.



The learned counsel for the petitioner has submitted that the petitioner is innocent, has been falsely implicated in the present case, is having a clean antecedent and he is languishing in custody since 11.11.2019. It is further submitted that the deceased is the own brother of the petitioner and in fact he is being falsely implicated by other brothers with a view to grab the family property, hence the petitioner is fit to be granted bail.

Per contra, the learned A.P.P. for the State has vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the petitioner and taking into account the materials available in the case dairy, a prima facie case is definitely made out as against the petitioner herein for the alleged occurrence and moreover considering the seriousness of the charges levelled against the petitioner pertaining of having committed a gruesome murder, I do not find the present case to be a fit case for grant of bail, hence the present petition stands dismissed.

(Mohit Kumar Shah, J)

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