

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28165 of 2020

Arising Out of PS. Case No.-214 Year-2015 Thana- KHARHAGPUR District- Munger

1. Munna Kora, aged 28 years (Male), S/o Late Dukhan Kora, Resident of Village/Muhalla-Chaukhat, P.S.-Kharagpur, District-Munger.
2. Pappu Kora, aged 26 years (Male), S/o Late Dukhan Kora, Resident of Village/Muhalla-Chaukhat, P.S.-Kharagpur, District-Munger.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioners : Mr.Sanjiv Kumar Singh, Advocate.
For the Opposite Party : Mrs. Asha Kumari, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 14-12-2020 Due to COVID-19 Pandemic, the matter is being taken up by way of virtual Court proceeding.

The matter has been listed under the heading ‘For Orders’ under the orders of Hon’ble the Chief Justice.

Heard learned counsel for the petitioners and learned A.P.P. for the State.

The petitioners seek bail in a case for the offence registered under Sections 302 and 201/34 of the I.P.C.

The prosecution story, in brief, is that on 24.08.2015 at about 9.00 A.M., the informant together with his father and cousin were at *Pakal Dharia ‘Chouraha’* for cattle grazing. In the meantime, the petitioners alongwith three more persons



came there with *Lathi* and *Axe* and started assaulting the father of the informant. When the informant tried to save his father then the petitioners threatened him of dire-consequence. Thereafter, some more persons came there with *Lathi* and *Axe* and started assaulting his father again, which caused death of the father of the informant after falling down on the earth. Thereafter, the petitioners alongwith all the accused persons have thrown the dead body of the victim into a river. After that the informant alongwith villagers started to search the dead body of the victim but on search they did not succeed to find the dead body of the father of the informant.

It has been submitted by learned counsel for the petitioners that the petitioners are in custody since 02.01.2020. The petitioners have got no criminal antecedent. Charge sheet has been submitted in the present case. There is no allegation of tampering with the witnesses alleged against the petitioners. The petitioners have falsely been implicated in the present case due to previous enmity. The allegation of assault is denied by the petitioners. Altogether seven persons have been made accused in the present case.

On behalf of the learned counsel for the State, it has been submitted that the petitioners are named in the F.I.R. There



is specific allegation against the petitioners for assaulting upon the deceased with an *Axe* on the head of the deceased. The postmortem report also corroborates with the allegation made in the F.I.R. The cause of death is due to injury on the head of the deceased.

Considering the nature of accusation, I am not inclined to grant bail to the petitioners. The same is rejected in connection with Kharagpur P.S. Case No. 214/2015, pending in the court of learned A.C.J.M.-IV, Munger.

Learned court below is directed to take all necessary steps to expedite the trial.

(Sudhir Singh, J)

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