

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.29651 of 2020**

Arising Out of PS. Case No.-300 Year-2019 Thana- CHANPATIA District- West Champaran

ROHIT KUMAR, Son of Vijay Jaiswal, Resident of Ward No. 2 Chanpatiya,  
P.S. - Chanpatia, District - West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

|                          |   |                                      |
|--------------------------|---|--------------------------------------|
| For the Petitioner/s     | : | Mr. Shashank Shekhar, Advocate       |
| For the Informant        | : | Mr. Basistha Narain Mishra, Advocate |
| For the Opposite Party/s | : | Mr. Shyam Kumar Singh, A.P.P.        |

**CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR**  
**ORAL ORDER**

3      17-12-2020                      The matter has been taken up through virtual Court proceeding.

Heard learned counsel for the petitioner and learned APP for the State.

Petitioner seeks bail in a case registered for the offences punishable under Sections 302/34 of the Indian Penal Code.

During quarrel between the brothers, petitioner allegedly gave a blow with a screw driver at the neck of his uncle Sanjay Jaiswal as a result whereof Sanjay Jaiswal died subsequently. The postmortem report would reveal that the Doctor has found consistent injury.

Learned counsel for the petitioner submits that the petitioner is in custody since 08.11.2019. Investigation of the



case is already complete. The occurrence took place in a sudden fight. Hence, offence under Section 302 of the Indian Penal Code is not attracted in the facts and circumstances of the case.

Considering the nature of allegation against the petitioner, I am not inclined to enlarge him on bail for the present in connection with Chanpatiya P.S. Case No. 300 of 2019 pending in the Court of learned Chief Judicial Magistrate, West Champaran at Bettiah. Hence, prayer of the petitioner for bail is refused.

Petitioner may renew his prayer for bail, if the trial is not concluded within a period of nine months from the date of receipt/production of a copy of this order.

**(Birendra Kumar, J)**

Kundan/-

|   |  |   |  |
|---|--|---|--|
| U |  | T |  |
|---|--|---|--|

