

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25646 of 2020

Arising Out of PS. Case No.-167 Year-2019 Thana- PARIHAR District- Sitamarhi

MD. NADIM S/o Md. Sabir Resident of Village-Sutihara, P.S-Parihar,
District-Sitamarhi.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Yogesh Chandra Verma, Sr. Advocate
For the informant	:	Mr. Virendra Kumar, Advocate
For the Opposite Party/s	:	Mr. Braj Kishore Prasad, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 29-09-2020 Heard Mr. Yogesh Chandra Verma, learned senior counsel for the petitioner, Mr. Virendra Kumar, learned counsel for the informant and Mr. Nawal Kishore Prasad, learned Additional Public Prosecutor appearing for the State through video conferencing.

Petitioner seeks regular bail in connection with Parihar P.S. Case No. 167 of 2019 registered for the offences punishable under Section(s) 341, 323, 224, 504, 506, 307, 354, 302 and 109/34 of the Indian Penal Code, 1860.

The allegation against the petitioner as per the First Information Report is that the petitioner along with other accused persons assaulted brother of the informant by means of iron rod on the head leading to his death.



Learned counsel for the petitioner submits that the petitioner has not committed any offence in the manner alleged inasmuch as both the parties are close relatives and the allegation against the petitioner along with other accused persons, altogether 19 in numbers, of assaulting the deceased as well as other family members of the informant. Learned counsel further submits that the petitioner has got no criminal antecedent and the present occurrence has taken place due to land dispute between the parties.

On the other hand, Mr. Virendra Kumar, learned counsel for the informant and Mr. Nawal Kishore Prasad, learned counsel for the State vehemently oppose the prayer for bail and submit that there is specific allegation of assault against the petitioner on the head of the deceased by means of iron rod which has caused his death. Learned counsel further submits that regular bail application of the similarly situated co-accused against whom the allegation of assault on the head of the deceased by means of *Farsa*, has been rejected by a co-ordinate Bench of this Court vide order dated 4.9.2020 passed in Cr. Misc. 21854 of 2020.

Having regard to the submissions made by the parties and taking into consideration the materials on record and further



the regular bail application of similarly situated co-accused has been rejected by a co-ordinate Bench of this Court, I am not inclined to grant regular bail to the petitioner.

Accordingly, the prayer for regular bail of the petitioner stands rejected.

However, the petitioner may renew his prayer for bail after completion of nine months from today, if the trial does not progress.

(Anil Kumar Sinha, J)

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