

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34781 of 2019

Arising Out of PS. Case No.-187 Year-2018 Thana- CHAPRA MUFFASIL District- Saran

RAJ KISHORE SINGH Son of Late Chhabinath Singh Resident of Khalpura,
P.S.- Chapra Muffsil, District - Saran.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Archana Jha

For the Opposite Party/s : Mr.Lakshmi Kant Sharma

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

5 04-06-2020 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 petitioner and learned
APP for the State.

The petitioner seeks bail in a case instituted for the
offences under Sections 302/34 of the Indian Penal Code.

The prosecution allegation in short is that on a quarrel
taken place, the accused persons assaulted the son-in-law of the
informant due to which he sustained injury and later died in
course of treatment.

It has been submitted on behalf of the petitioner that
the petitioner is in custody since 22.5.2018 and has got no
criminal antecedent. There is no allegation of tampering of



witnesses alleged against the petitioner. Charge-sheet has been submitted in the present case. From perusal of the F.I.R., it would appear that the informant is not an eye witness to the alleged occurrence. Due to sudden provocation, the alleged occurrence is said to have taken place. At best, it is a case for an offence under Section 304 IPC. One of the witnesses, who has supported the prosecution case, is an interested witness.

On behalf of the State and the informant, it has been submitted that the petitioner is named in the F.I.R. It is alleged that the petitioner gave iron blow on the head of the deceased. The post-mortem report also supports the allegation. The cause of the death is said to be head injury. It is further submitted that the prosecution evidence has been closed in the trial.

Considering the nature of allegation and the stage of the case, I am not inclined to grant bail to the petitioner. The same is rejected. The Trial Court is directed to take necessary steps to conclude the trial at the earliest.

(Sudhir Singh, J)

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