

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.79048 of 2019

Arising Out of PS. Case No.-686 Year-2018 Thana- BIHTA District- Patna

PINTU BHAGAT Son of Kameshwar Bhagat Resident of Village -
Lakshmanpur, Police Station - Bihta (Neura), District - Patna.

... .. Petitioner/s

Versus

THE STATE OF BIHAR Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr.Prabhu Narayan Sharma
For the Opposite Party/s :	Mr.Anand Kishore Choudhary
	Mrs. Anita Kumari Singh, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

3 09-06-2020 The present petition has been taken up for consideration through the mode of Video conferencing in view of the prevailing lock-down on account of COVID 19 Pandemic, requiring social distancing.

Heard the learned counsel for the petitioner Shri Bimal Kumar and Smt. Anita Kumari Singh, the learned APP for the State.

The present petition is by way of 2nd attempt at the behest of the petitioner for grant of regular bail inasmuch as the earlier bail petition filed by the petitioner for grant of regular bail was dismissed by this Court by an order dated 10.01.2019 passed in Cr. Misc. No. 68784 of 2018 in connection with Bihta P.S. Case No. 686 of 2018 for the offence punishable under Sections



302/34 of the Indian Penal Code.

The case of the prosecution in brief is that the brother of the informant, namely, Gopal Prasad had gone to the house of one Gorakh Prasad who had called the brother of the informant for giving treatment in his house. Subsequently, when the brother of the informant reached his house, the accused persons including the petitioner herein attacked the brother of the informant with iron rod, lathi, danda in a very planned manner. The allegation against the petitioner is assaulting the brother of the informant with iron rod on the head which resulted in grievous injury and led to his subsequent death.

The learned counsel for the petitioner has submitted that the petitioner is languishing in custody since 14.07.2018 and after the prayer of the petitioner was rejected earlier vide order dated 10.01.2019, a co-accused person has been granted bail by a co-ordinate Bench of this Court vide order dated 5.7.2019.

Per contra, the learned APP appearing for the State has vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case, considering the materials on record, this Court finds that there is specific allegation of assault by the petitioner by iron



rod on the head of the brother of the informant, which has resulted in his death and the same is also corroborated by the medical evidence and moreover there is no change in circumstances, from the day the prayer of the petitioner for grant of bail was rejected earlier on 10.01.2019, till date. Hence, I do not find any reason to reconsider the prayer of the petitioner for grant of bail, thus the present petition stands dismissed.

(Mohit Kumar Shah, J)

Tiwary/-

U			
---	--	--	--

