

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.669 of 2020

Arising Out of PS. Case No.-160 Year-2019 Thana- KHARHAGPUR District- Munger

1. BHARAT SINGH Son of Naresh Singh Resident of Village - Manjhgawn, P.S.- Haweli Kharagpur (Shampur O.P.), District - Munger.
2. Raja Singh @ Raja Kumar Son of Bharat Singh Resident of Village - Manjhgawn, P.S.- Haweli Kharagpur (Shampur O.P.), District - Munger.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mukesh Kumar Singh

For the Opposite Party/s : Mr. Mohammad Sufyan

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

4 01-07-2020 Heard learned Counsel for the petitioners and learned Additional Public Prosecutor for the State, through video conferencing.

The petitioners seek regular bail in connection with Kharagpur Police Station Case No. 160 of 2019, registered for the offences punishable under Sections 341/323/324/307/302/504/34 of the Indian Penal Code.

The allegation against the petitioners, as per the First Information Report, is that the petitioners. along with other co-accused persons, arrived at the house of the informant and assaulted her husband with lathi, as a result of which the husband of the informant died during the course of treatment.



Learned Counsel for the petitioners submits that no specific allegation of assault has been levelled against the petitioners. He further submits that both the parties are agnates and from perusal of the First Information Report, it appears that incident had taken place on a trivial issue inasmuch as a cattle of the informant had entered into the premises of the co-accused Naresh Singh for grazing. He, referring to the post-mortem examination report, submits that only two injuries have been found on the head of the deceased; whereas there is allegation of assault by four accused persons. He further submits that co-accused Naresh Singh has been granted bail by this Court in Criminal Misc. No. 71616 of 2019.

After having heard learned Counsel for the parties and taking into consideration the materials on record, it is evident that there is direct allegation against the petitioners that they assaulted the deceased by means of lathi and from perusal of the post-mortem Report, it appears that the cause of death is due to hemorrhage, shock and injury to vital organ, i.e. brain, as a result of the injuries caused by hard and blunt object.

So far as grant of bail to co-accused Naresh Singh is concerned, it appears that Naresh Singh was a person of advanced age of about 82 years and it was one of the



considerations for grant of bail to co-accused Naresh Singh by this Court.

I am not inclined to grant the petitioners privilege of bail.

This application is, accordingly, dismissed.

However, the petitioners will be at liberty to renew their prayer for bail after completion of one year from today, if the trial is not concluded by that time.

Prabhakar Anand/-

(Anil Kumar Sinha, J.)

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