

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.85217 of 2019

Arising Out of PS. Case No.-167 Year-2019 Thana- PARWALPUR District- Nalanda

Baldeo Chouhan Son of Karu Chouhan R/o Village- Shivchak Bigha (Beldari
per), P.S.- Parbalpur, District- Nalanda.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rajiv Nayan

For the Opposite Party/s : Mr.Bhanu Pratap Singh

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

3 18-03-2020 Heard learned counsel for the petitioner and learned
APP for the State.

The instant application for regular bail has been filed by the petitioner in connection with Parwalpur P.S. Case No.167 of 2019 registered for the offence punishable under sections 147, 148, 149, 341, 323, 302, 307, 504 and 379 of the Indian Penal Code.

As per allegation in the FIR, the accused persons are stated to have assaulted the informant and other members of his family. It is stated that the petitioner armed with iron rod struck on the head of the father of the informant as a result of which he fell down unconscious and ultimately succumbed to his injuries.

It is submitted by learned counsel for the petitioner



that from the contents of the F.I.R. it would transpire that it was a case of sudden provocation. There is case and counter case between the parties with injuries on both sides and even as per F.I.R. only single blow has been given. Thus it is submitted that no case under section 302 of the I.P.C. is made out but it falls under section 304 of the I.P.C. It is further submitted that the post mortem examination does not support the allegation as levelled in the F.I.R.. The petitioner is in custody since 6.7.2019 and has no criminal antecedent.

The application for bail has been opposed by learned APP for the State.

Having heard learned counsel for the parties and in view of the fact that the petitioner is the main assailant, this Court is not inclined to enlarge the petitioner on bail and as such his application for bail is rejected.

It is directed that the trial in the Court below be expedited.

(Partha Sarthy, J)

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