

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16699 of 2021

Arising Out of PS. Case No.-169 Year-2020 Thana- SIDHWALIYA District- Gopalganj

Chhathu Miya S/O Asgani Miya R/O Village- Bishunpura, P.S.- Sidhwalia,
District- Gopalganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Javed Aslam

For the Opposite Party/s : Mr. Dilip Kumar No. 1

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 26-07-2021 Heard learned counsel for the petitioner and learned
A.P.P. for the State through virtual court proceeding.

Learned counsel for the petitioner undertakes to remove the defects within four weeks of resumption of normal court proceeding. In the eventuality of non-removal of defects within undertaken period, the office will place the matter before the Bench.

The petitioner seeks bail in connection with Sidhwalia P.S. case No. 169 of 2020 registered for the offence punishable under Section 302/34 of the Indian Penal Code.

Allegation against the petitioner *Chhathu Mian* is that he in association with other co-accused persons assaulted husband of the informant for installing his shop as a result of which he fell down and died. It is alleged that *Chhathu Mian* gave lathi blow on the neck of informant's husband.



It is submitted by learned counsel for the petitioner that petitioner has falsely been implicated in this case and has not committed any offence as alleged in the FIR. No such occurrence as alleged ever took place. He submits that from the subsequent statement of the informant under Section 161 Cr.P.C., it is apparent that she is not the eye witness to the said occurrence. The allegation levelled against the petitioner is not specific rather general and omnibus in nature. The petitioner has no criminal antecedent as has been mentioned in para 3 of the bail application and has been languishing in custody since 09.08.2020.

Learned APP for the State vehemently opposed the bail petition and submitted that statement of the daughter of the deceased, who was present at the time of occurrence, has been recorded in Para 10 of the case diary in which she stated that *Chhathu Mian* gave lathi blow at the head of her father which resulted in subsequent death. The doctor has found single head injury on the person of the deceased which was cause of death. This fact has been stated in Cr. Misc. No. 5485 of 2021 while granting bail to other co-accused persons.

In the facts that circumstances of the case, I am not inclined to grant privilege of bail to the above named petitioner



in connection with Sidhwalia P.S. Case No. 169 of 2020 to the
satisfaction of Judicial Magistrate, 1st Class, Gopalganj.

Accordingly, this application is hereby dismissed.

(Anjani Kumar Sharan, J)

GAURAV S./-

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