

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17437 of 2021

Arising Out of PS. Case No.-106 Year-2019 Thana- RAMKRISHNANAGAR District- Patna

VICKY KUMAR, Son of Shyam Sundar Yadav, Resident of Mohalla- Postal
Park, P.S.- Jakkanpur, District- Patna.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	M/s Gaurang Chatterjee, Nilanjan Chatterjee, Advocates
For the Opposite Party/s :		Mr. Binod Kumar, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

3 20-09-2021 Heard learned counsel for the parties through video conferencing.

The petitioner has preferred this application for grant of regular bail in a case registered under sections 326 and 307 of the Indian Penal Code to which section 302 of the Indian Penal Code was added subsequently.

As per the prosecution case, it is stated that petitioner with the intention to kill assaulted with a brick seriously injuring the brother-in-law of the informant who became unconscious. The petitioner was caught. The brother-in-law of the informant was taken to the hospital.

The brother-in-law of the informant died in course of treatment and subsequently section 302 of the Indian Penal



Code was added.

It is submitted by learned counsel for the petitioner that the petitioner has been falsely implicated in the case. Subsequent to the death of brother-in-law of the informant, statement of Sanjay Kumar was once again recorded where his narration about the occurrence is completely different for what has he narrated in the FIR. It is submitted that it was as a result of dispute over immersion of the idol of God that a fight had broken between the two parties and in the brick-batting that followed, the brother-in-law of the informant was injured and subsequently died in course of treatment. Neither the informant is the eye witness to the occurrence nor is there any enmity between the parties. The occurrence may be as a result of a drunken brawl. The statements recorded are after the postmortem report. The petitioner is in custody since 12.2.2019. Chargesheet has been submitted in the case.

The application for bail is opposed by learned APP for the State.

Having heard learned counsel for the parties and taking into consideration the direct allegation against the petitioner of having assaulted the brother-in-law of the informant with a brick, allegations of which is supported from



the contents of the postmortem report, the Court is not inclined to enlarge the petitioner on bail and the application is rejected.

The learned trial Court is directed to expedite the trial.

(Partha Sarthy, J)

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