

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No. 21706 of 2021

Arising out of P.S. Case No.- 686 year 2018 Thana- Bihta District- Patna

Pintu Bhagat son of Kameshwar Bhagat, R/O Laxmanpur, P.S. Bihta, District Patna.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opp. Party/s

Appearance :

For the Petitioner/s : Mr. Ghanshyam Tiwary, Adv.

For the Opp. Party/s : Ms. Rina Sinha, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH

ORAL ORDER

2 04-08-2021

The instant case has been taken up for consideration through the mode of Video conferencing in view of the prevailing situation on account of COVID 19 Pandemic, requiring social distancing.

The present petition is by way of third attempt at the behest of the petitioner for grant of regular bail in connection with Bihta P.S. Case No. 868 of 2018 for the offence punishable under Sections 302/34 of the Indian Penal Code inasmuch as the prayer of the petitioner for grant of bail has been rejected earlier vide orders dated 10.01.2019 and 09.06.2020 passed in Cr. Misc. No. 68784 of 2018 and Cr. Misc. No. 79048 of 2019 respectively.

The



execution 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 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 the co-accused person has already been granted bail by a co-ordinate Bench of this Court vide order dated 05.07.2019 passed in Cr. Misc. No. 23067 of 2019, hence the petitioner be granted bail.

Per contra, the learned A.P.P. for the State has vehemently opposed the prayer for bail and has submitted that the prayer of the petitioner for grant of bail has already stood rejected twice on merit, hence, there being no change in circumstance, there is no occasion to reconsider the prayer of the petitioner for grant of regular bail.

Having regard to the facts and circumstances of the case, considering the materials on record and taking into account the su

by the Ld. counsel for the parties,



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 circumstance, from the day the prayer of the petitioner for grant of bail was rejected earlier on 09.06.2020, 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/-

