

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22034 of 2021

Arising Out of PS. Case No.-252 Year-2020 Thana- CHAKIA District- East Champaran

MADAN BHAGAT Son of Late Panchu Bhagat Resident of Village-
Baramdiya, P.S.- Chakia, District- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Prateek Tandon

For the Opposite Party/s : Mr.Tapeshwar Sharma, APP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 26-07-2021 This matter is taken up for consideration through

Video Conferencing under the orders of Hon'ble the Chief

Justice.

Heard learned counsel for the petitioner and learned
A.P.P for the State.

The petitioner seeks bail in Chakia P.S. Case No. 252
of 2020, registered for the offence punishable under Sections
307, 324 and 302 of the Indian Penal Code.

As per the prosecution case, on the alleged date and
time of occurrence, scuffle took place between the informant's
husband and petitioner (Informant's *Dewar*) over cleaning of
bathroom and it is alleged that petitioner assaulted her husband
with Axe on his neck and arms and during course of treatment
he died.



It is submitted on behalf of the petitioner that occurrence took place on the spur of the moment and out of provocation and there was no deliberate intention to kill the deceased. Petitioner is none else than own brother of deceased and *Dewar* of Informant. Moreover, both parties have compromised. Petitioner is in custody since 22.07.2020 having no criminal antecedent.

Learned APP however, vehemently opposed the prayer for bail and submitted that petitioner is the main assailant of deceased and there is specific and direct allegation of assault against him.

Considering the facts aforesaid and the nature and gravity of offence, I am not inclined to enlarge the petitioner above-named on bail. Accordingly, the same is rejected.

(Prabhat Kumar Singh, J)

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