

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25352 of 2021

Arising Out of PS. Case No.-272 Year-2020 Thana- ATRI District- Gaya

MITHLESH RAJBANSHI Son of Karu Rajbashi Resident of Village -
Gehuni, P.S.- Atri, District - Gaya.

... .. Petitioner.

Versus

The State of Bihar

... .. Opposite Party.

Appearance :

For the Petitioner	:	Mr. Vishwa Ranjan Choudhary, Advocate.
For the State	:	Mr. B.N. Pandey, A.P.P.
For the Informant	:	Mr. Arya Achint, Advocate.

CORAM: HONOURABLE MR. JUSTICE A. M. BADAR
ORAL ORDER

3 07-12-2021 The applicant/accused in Crime No.272 of 2020 registered with Police Station-Atri for the offence punishable under Section 302 read with Section 34 of the Indian Penal Code by this application is seeking his release on bail.

Heard learned counsel appearing for the applicant/accused. He took me through the F.I.R. and argued that the incident in question took place because of land dispute between the parties. Therefore, the applicant is entitled for bail.

Learned Prosecutor as well as the learned counsel appearing for the informant opposed the application.

I have considered the submissions so advanced and also perused the materials placed before me including the F.I.R. lodged by Mukesh Rajvanshi.



According to the prosecution, the applicant as well as the co-accused in furtherance of their common intention had committed the murder of the deceased Ramchandra Rajvanshi. The averments made in the F.I.R. by Mukesh Rajvanshi, who happens to be an eye witness to the incident, are to the effect that the applicant was giving successive blows of iron rod on the head of the deceased Ramchandra Rajvanshi.

Perusal of the Post-Mortem report shows that the deceased Ramchandra Rajvanshi died due to cranial cerebral injuries. There were several ante-mortem injuries including fractured head on the dead body.

Considering the fact that fatal blows were attributed to the present applicant, no case for bail is made out. The application is, therefore, rejected.

(A. M. Badar, J)

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