

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29165 of 2021**

Arising Out of PS. Case No.-248 Year-2020 Thana- DHANAHAN District- West Champaran

DHARMENDRA MADESIYA, S/o Ramji Madhesiya R/o village-
Khalwapatti, P.S.- Dhanaha, Distt.- West Champaran

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. R. S. Sahay Mr. Vijay Kr Singh No. 1
For the State	:	Mrs. Anita Kumari Singh
For the informant	:	Mr. P.N. Mishra

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

4 02-12-2021 Heard the learned Counsel for the petitioner, the

learned Additional Public Prosecutor for the State and the

learned counsel for the informant.

This application, for grant of regular bail, arises out
of Dhananaha Police Station Case No. 248 of 2020, registered for
the offences punishable under Sections 341, 323, 302, 504 and
34 of the Indian Penal Code.

The learned counsel for the petitioner submits that
petitioner is in custody since 19.10.2020 and is a person with
clean antecedent and charge-sheet has been submitted in this
case. The learned counsel further submits that from perusal of
the allegation as alleged in the FIR, it would manifest that the
informant, who is wife of the deceased, alleges that this

petitioner assaulted by lathi on his head, as a result of which he died, the informant further alleges that Ramji Madhesiya had caught the deceased when this petitioner assaulted, the injured was taken to the Gorakhpur Medical Hospital for treatment where he died during the course of treatment on 13.10.2020.

The learned counsel for the petitioner submits that the deceased and the petitioner are own brother and for trivial dispute, the occurrence took place. The petitioner had no intention to commit the occurrence rather in fit of anger, the occurrence took place.

The learned APP opposes the bail application and submits that the petitioner presently in the FIR is in the category of assailant. The learned APP submits that petitioner assaulted by lathi as such husband of the informant died. As far as intention is concerned that cannot be considered at this stage.

Considering the submission of the learned APP that petitioner is in category of assailant, it was he, who assaulted leading to death of the deceased, the Court is not inclined to grant bail to the petitioner. Therefore, the prayer for bail is hereby rejected.

The learned counsel for the petitioner at this stage submits that he may be permitted to renew his prayer for bail as

the assault was not intentional and the fight was between brothers, as such, the petitioner be given liberty to renew his prayer for bail after an year, the petitioner is given the liberty to renew his prayer for bail after an year.

(Satyavrat Verma, J)

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