

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30653 of 2021

Arising Out of PS. Case No.-209 Year-2020 Thana- CHANPATIA District- West Champaran

KHAIRUL BASAR @ NIFIKIR S/o Sheikh Nasim @ Nasim Sheikh R/o
village- Senwariya Tola Bharha, P.S.- Chanpatia (Sirisiya O.P.), District- West
Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bashisth Narain Mishra, Advocate

For the Opposite Party/s : Mr. Akshay Lal Pandit

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

3 08-12-2021 Heard Mr. Bashisth Narain Mishra, learned counsel
for the petitioner and Mr. Akshay Lal Pandit, learned Additional
Public Prosecutor for the State.

Petitioner seeks regular bail in connection with
Chanpatiya (Sirisiya O.P.) P.S. Case No. 209 of 2020 registered
for the offence under Section 147, 148, 149, 341, 323, 324, 307,
302 of the I.P.C.

The allegation against the petitioner is that he
assaulted the nephew of the informant by means of *Barchhi*
along with other accused persons.

Learned counsel for the petitioner submits that
petitioner has not committed any offence in the manner alleged
and even if the allegation made in the F.I.R. is taken on its face
value the petitioner has allegedly assaulted by means of
Barchhi but upon perusal of the post-mortem report it would
be evident that no pointed injury has been found on the person
of the deceased and doctor has opined that the cause of death is



due to hemorrhage and shock i.e. head injury caused by hard and blunt substance.

On the other hand, learned counsel for the State submits that *Barchhi* is a kind of weapon attached with wooden *lathi* having pointed portion at the top of the same and major portion of the *Barchhi* is made of hard and blunt substance from which injury in the nature caused by hard and blunt substance can also take place.

Regard being had to the submissions made by the parties and taking into consideration the fact that there is specific allegation of assault upon the head of the deceased by the petitioner along with other accused persons and the cause of death is ante mortem injuries caused by hard and blunt substance which can also be caused by *Barchhi* having a wooden Butt, I am not inclined to grant regular bail to the petitioner.

Accordingly, the same is rejected.

(Anil Kumar Sinha, J)

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