

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30923 of 2021

Arising Out of PS. Case No.-187 Year-2018 Thana- CHAPRA MUFFASIL District- Saran

CHHOTU KUMAR @ JHITU S/O Rajkishore Singh R/O Village Khalpura,
P.S. Chapra Mufassil, District - Saran.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr. Bijay Bhushan Prasad, Adv.
For the Opposite Party/s :	Mr. Alok Chandra, Adv.
	Mr. Nawal Kishore Prasad, Adv.

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 10-12-2021 Heard Mr. Bijay Bhushan Prasad, learned counsel
for the petitioner, Mr. Alok Chandra, learned counsel for the
informant and Mr. Nawal Kishore Prasad, learned counsel for
the State through video conferencing.

Petitioner seeks regular bail in connection with S.T.
No. 385 of 2020 arising out of Chapra Mufassil P.S. Case No.
187 of 2018 registered for the offence under Section 302/34 of
the I.P.C.

The allegation is that the petitioner along with the co-
accused / Rajkishore Singh assaulted the son-in-law of the
informant on his head by means of *axe* and iron rod
respectively.

Learned counsel for the petitioner submits that



petitioner has not committed any offence in the manner alleged and from perusal of the F.I.R. it would be evident that allegation of assault on the head of the deceased is upon two accused persons. Referring to annexure- 2 to this bail application i.e. post mortem report, learned counsel submits that only one injury has been found on the head.

On the other hand, learned counsel for the informant submits that there is direct allegation of assault on the petitioner and the injury found during the course of post- mortem examination on the head of the deceased are more than one. He next submits that F.I.R. was lodged in the year 2018 and the petitioner was absconding and subsequently arrested on 30-10-2020. He next submits that the co-accused has already been convicted and since the petitioner was absconding his trial was bifurcated and it is still pending, however out of four charge-sheet witnesses, two have already been examined in this matter.

Regard being had to the submissions made by the parties and taking into consideration the nature of allegation, the fact that there is direct allegation of assault against the petitioner on the head of the deceased and the trial is going on as such I am not inclined to grant regular bail to the petitioner at this stage.



Accordingly, the same is rejected.

However, the petitioner may renew his prayer for bail
after nine months from today if the trial does not conclude.

(Anil Kumar Sinha, J)

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