

IN THE HIGH COURT OF JUDICATURE AT PATNA

CRIMINAL MISCELLANEOUS No. 32708 of 2021

Arising Out of PS. Case No.-222 Year-2019 Thana- PAHARPUR District- East Champaran

MIRJA MIAN S/o Late Akbar Mian R/o village- Sareya Bazar, P.S.-
Paharpur, District- East Champaran

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajesh Ranjan
For the Opposite Party/s : Ms. Nirmala Kumari

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH

ORAL ORDER

2 11-08-2021

The instant case has been taken up for consideration through the mode of Video conferencing in view of the prevailing situation on account of COVID 19 Pandemic, requiring social distancing.

The present petition is by way of second attempt at the behest of the petitioner for grant of regular bail in connection with Paharpur PS case no. 222 of 2019 registered under Sections 147, 148, 149, 341, 324, 302, 504 of Indian Penal Code, inasmuch as the earlier prayer of the petitioner for grant of regular bail was rejected by this Court vide order dated 04.09.2020, passed in Cr. Misc. no. 21322 of 2020.

The case of the prosecution in brief is that on 06.07.2019 at about 3 O' clock in the evening, while the



informant and her family members were sitting at the door of their house, the accused persons including the petitioner herein had arrived there, whereafter they had started abusing the informant and her family members. It is further alleged that the husband of the informant had then told the accused persons not to abuse them, whereupon the petitioner herein had inflicted blow by iron rod on the head of the husband of the informant, resulting in rupturing of head of the husband of the informant, whereafter, blood started oozing out. It is further alleged that the petitioner herein had then assaulted other members of the prosecution party. Subsequently, the husband of the informant namely Irfan Alam had died on account of the aforesaid injuries.

The learned counsel for the petitioner Sri Umakant Shukla submits that the case is still lying with the Magistrate and has not been committed to the court of Sessions whereas the petitioner is languishing in custody since 02.10.2019, hence he should be granted, the privilege of regular bail.

Per contra, the learned APP for the State has vehemently opposed the prayer for bail.

I have heard the learned counsel for the parties and gone through the materials available on record, from which it is apparent that while rejecting the prayer of the petitioner for



grant of bail vide order dated 04.09.2020, this Court had not only gone through the records but had also perused the case diary, from which it had transpired that the petitioner had inflicted the fatal blow on the head of the husband of the informant, resulting in his death and moreover, this Court finds that there is no change in circumstance, from the date the prayer of the petitioner for grant of bail was rejected earlier on 04.09.2020, till date, so as to warrant re-consideration of the prayer of the petitioner for grant of regular bail, thus the present petition stands dismissed.

(Mohit Kumar Shah, J)

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