

IN THE HIGH COURT OF JUDICATURE AT PATNA

CRIMINAL MISCELLANEOUS No. 34498 of 2021

Arising Out of PS. Case No.-1 Year-2020 Thana- GHORASAHAN District- East Champaran

SUNIL DAS Son of Bausi Das Resident of Village Jamunia, P.S. Ghorasahan
(jharokhar), District - East Champaran.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ansul, Advo.
: Mr. Anuj Kumar, Advo.
For the Opposite Party/s : Mr. Manoj Kumar, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH

ORAL ORDER

2 11-08-2021 The present petition 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, inasmuch his earlier application for grant of regular bail in connection with Ghorasahan (Jharokhar) PS case no. 01 of 2020 registered under Section 302/34 of Indian Penal Code, was rejected by this Court vide order dated 17.12.2020, passed in Cr. Misc. no. 28770 of 2020.

The case of the prosecution in brief is that on 31.12.2019 at about 2 pm, the son of the informant had gone to



the market at Nepal, where some scuffle had taken place between the petitioner and the son of the informant, however, the son of the informant had returned back from Nepal to his house in the evening and had narrated about the incident to his family members. It is further alleged that on the same day i.e. 31.12.2019 at about 7 pm, the petitioner had again come and abused the son of the informant to which objection was raised, however, again at about 8 pm on the same day, all the accused persons including the petitioner had come to the house of the informant with sticks in their hands and dragged the son of the informant to the mustard field whereafter, they had assaulted him and subsequently, the informant had brought his son to his house where he died at about 3:00 A.M. in the morning.

The learned counsel for the petitioner has submitted that though the petitioner was the first person to have assaulted the deceased but then all the other four co-accused persons were also having complicity in the matter, inasmuch as they had also assaulted the deceased, hence it is submitted that now since the petitioner has already undergone custody for a period of about one and a half years, he may be granted the privilege of bail, inasmuch as he has already been suitably punished.

Per contra, the learned APP for the State has



vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case and taking into account the materials available on record, this Court finds that since the son of the informant had an altercation mainly with the petitioner and the petitioner was instrumental in abusing and assaulting the son of the informant, resulting in his death, this Court while considering the earlier regular bail petition of the petitioner and four other co-accused persons, had though rejected the prayer for of the petitioner for grant of bail but had granted benefit of doubt to the other co-accused persons for the purposes of grant of bail, by the same order dated 17.12.2020. Moreover, this Court finds that there is no change in circumstance, from the day the prayer of the petitioner for grant of bail was rejected on 17.12.2020, till date, thus there is no occasion to reconsider the prayer of the petitioner for grant of bail, therefore, the present petition stands dismissed.

(Mohit Kumar Shah, J)

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