

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.45768 of 2021**

Arising Out of PS. Case No.-16 Year-2019 Thana- NAURANGIA District- West Champaran

Raushan Baitha @ Rustam Baitha Son of Sattar Baitha Resident of Village -  
Sirisiya, Police Station - Naurangiya, District - West Champaran.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

**Appearance :**

|                    |   |                                                                  |
|--------------------|---|------------------------------------------------------------------|
| For the Petitioner | : | Sri Krishna Pd. Singh, Sr.Adv.<br>Mr.Sachindra Kumar Tiwary,Adv. |
| For the State      | : | Mr.Akhileshwar Dayal,APP                                         |
| For the Informant  | : | Mr. Zainul Abedin, Adv.                                          |

**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH**  
**ORAL ORDER**

2. 16-11-2021 Heard learned counsel for the parties.

The petitioner seeks bail in Naurangiya P.S. Case No. 16 of 2019, registered for the offence under Section 302 of the Indian Penal Code.

As per F.I.R., this petitioner assaulted the son of the informant by *tangi* on his head, on account of which, during course of treatment, he died.

It is submitted on behalf of petitioner that petitioner has been falsely implicated in this case. He is mentally ill, which is apparent from order dated 15.02.2020 and 17.03.2020 of learned A.D.J.-I, Bagaha (Annexure 2). The petitioner has history of mental illness and he was receiving treatment at Gorakhpur in the past and in that continuation, the Jail authority has also took him to Bettiah for treatment in order to keep him in good mental health. Petitioner claims clean antecedent and he



is in custody since 13.05.2019.

However, learned counsel for the State and informant opposed the bail petition and submitted that there is direct and specific allegation against this petitioner of assaulting the deceased with *tangi*, as a result of which, he died.

Considering the specific allegation against this petitioner, I am not inclined to grant him bail and accordingly, same is rejected.

**(Prabhat Kumar Singh, J.)**

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