

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35308 of 2020

Arising Out of PS. Case No.-159 Year-2020 Thana- MINAPUR District- Muzaffarpur

SUDHIR KUMAR son of Ramshakal Prasad Resident of Village- Mahadeiya,
P.S.- Minapur, District- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ravi Ranjan, Advocate

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

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA

ORAL ORDER

3 01-02-2021 Heard Mr. Ravi Ranjan, learned counsel for the
petitioner and Mr. Akshay Lal Pandit, learned Additional Public
Prosecutor appearing for the State.

Petitioner seeks regular bail in connection with
Minapur P.S. Case No. 159 of 2020 registered for the offences
punishable under Sections 341, 323, 307, 302 and 504/34 of the
Indian Penal Code 1860.

The allegation as per the First Information Report is
that the petitioner along with other co-accused persons assaulted
the son of the informant by means of iron rod and also pressed
the neck of the informant's son, due to which, he died.

Learned counsel for the petitioner submits that the
petitioner has falsely been implicated in this case due to land
dispute between the parties and he has not committed any
offence in the manner alleged. Learned counsel referring to



Annexure-2 of the bail petition submits that the statement of wife of the deceased was also taken by the Police and from perusal of the same, it would be evident that the wife has not alleged that the petitioner has assaulted on the head of the deceased. Learned counsel referring to medical evidence submits that the deceased has died due to haematoma in the brain which cannot be caused due to the pressing of neck of a person.

On the other hand, learned counsel for the State referring to the case diary submits that the wife who happens to be an eye witness, has specifically stated that due to assault made by the co-accused Satya Narayan Prasad, the deceased fell on the ground and, thereafter, the petitioner assaulted the deceased with iron rod and allegedly pressed the neck of the deceased, due to which, he died and the postmortem report very well supports the allegation against the petitioner.

Having regard to the submissions made by the parties and taking into consideration the materials on record and the fact that there is direct allegation against the petitioner, I am not inclined to grant regular bail to the petitioner at this stage.

Accordingly, the prayer for bail of the petitioner stands rejected.



However, if the trial does not show any progress, the
petitioner may renew his prayer for bail after one year.

(Anil Kumar Sinha, J)

S.Ali/-

U		T	
---	--	---	--

