

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9166 of 2021

Arising Out of PS. Case No.-68 Year-2020 Thana- ARA MUFFSIL District- Bhojpur

Sonu Mushar Son Of Nand Kishore Mushar @ Nand Kishore Ram Resident
Of Village - Balua (Belaghat), P.S.- Ara Muffasil, Distt.- Bhojpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Manoj Kumar

For the Opposite Party/s : Mr. Uma Shankar Prasad Singh

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

5 23-09-2021 Heard learned counsel for the petitioner and learned A.P.P. for
the State through virtual court proceeding.

Learned counsel for the petitioner undertakes to remove the
defects within four weeks of resumption of normal court proceeding.
In the eventuality of non-removal of defects within undertaken
period, the office will place the matter before the Bench.

The petitioner seeks bail in connection with Ara (M) P.S. Case
No. 268 of 2020 registered for the offence punishable under Sections
147, 148, 323, 307, 302, 504, 506 of the Indian Penal Code.

Allegation against the petitioner is that petitioner along with
other co-accused persons assaulted father of the informant by means
of *Garasi, Kudal, Brick and Stone* as a result of which informant's
father sustained serious injury on his head and due to which he died.

Learned counsel for the petitioner submits that petitioner has
falsely been implicated in this case and has not committed any



offence as alleged in the FIR. No such occurrence as alleged ever took place. He submits that petitioner was not present at the place of occurrence and only on the basis of statement made by informant petitioner has been falsely implicated in the present case. He submits that the *post mortem* report reflects only one injury on head of deceased which creates doubt regarding the allegation made against the petitioner. The allegation levelled against the petitioner is not specific rather general and omnibus in nature. The petitioner has no criminal antecedent as has been mentioned in para 3 of this bail application and he is languishing in custody since 13.03.2020.

Learned APP for the State opposing the bail petition submits that there is direct allegation of assault against the petitioner and *post mortem* report also supports the prosecution case.

In the facts and circumstances of the case, I am not inclined to grant privilege of bail to the petitioner at present in connection with Ara (M) P.S. Case No. 68 of 2020 to the satisfaction of Learned A.C.J.M.-7th or concern court Bhojpur at Ara.

Accordingly, prayer for bail of the petitioner is hereby, rejected.

However, learned Trial Court is directed to expedite the trial.

(Anjani Kumar Sharan, J)

GAURAV S./-

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