

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.38706 of 2020**

Arising Out of PS. Case No.-94 Year-2020 Thana- UJIYARPUR District- Samastipur

SHANKAR DAS Son of Late Ramchandra Das Resudent of Village -
Belamegh, Ward No.8, P.S.- Ujiarpur, Distt.- Samastipur.

... .. Petitioner

Versus

THE STATE OF BIHAR

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Lakshmindra Kumar Yadav,Advocate

For the Opposite Party/s : Mr.Jagdhara Prasad,APP

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

4 13-07-2021 Learned counsel for the petitioner undertakes to

remove all the defects pointed out by the Stamp Reporter within

four weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner and Mr.
Jagdhara Prasad, learned APP for the State.

The petitioner in the present case is seeking regular
bail in connection with Ujiyarpur P.S. Case No. 94 of 2020
registered for the offences punishable under Section 302/34 of
the Indian Penal Code.

As per the prosecution story, on 09.04.2020 at 07:30
P.M. the mother and the father of the informant were standing at
their door. In the meantime, Rajesh Das son of Etwari Das and
Raja Das son of Jagdish Das were fighting in front of the door
of the informant. When the father of the informant forbade them

not to fight in front of his gate, the FIR named accused persons lased with lathi/danda assaulted the father of the informant. It is further alleged that Shankar Das (this petitioner) assaulted the father of the informant with bamboo piece on his head which proved fatal and he died.

Learned counsel for the petitioner submits that there are general and omnibus allegation of causing assault by lathi/danda against the petitioner and other co-accused.

Learned APP for the State has opposed the prayer for regular bail of the petitioner. It is submitted that the specific allegation of giving fatal blow on the head of the father of the informant is against this petitioner only. Learned APP has drawn the attention of this Court towards the allegation as contained in the FIR and other materials in form of the post mortem report present in the case diary. It is submitted that the post mortem report shows one injury on the head of the deceased and that is the cause of death.

Having regard to the facts and circumstances of the case wherein this Court has noticed that the specific allegation of causing assault on the head of the father of the informant is against this petitioner and that the allegation is getting support from the post mortem report which is showing one injury on the

head which ultimately proved fatal, though there are general and omnibus allegation of causing assault on the father of the informant by other co-accused but on finding that the specific vital part of the body has been attacked by this petitioner only, this Court is not inclined to release the petitioner on bail. The prayer for regular bail of the petitioner is, thus, refused.

Let the trial be expedited. The trial court shall proceed with the trial as early as possible.

The application stands disposed of accordingly.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.