

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.687 of 2021

Arising Out of PS. Case No.-141 Year-2019 Thana- MUFFASIL District- West Champaran
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BIRBAL MUKHIYA S/o Jiut Mukhiya R/o Village- Amwa Majhar, P.S.-
Bettiah, District- West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Digvijay Kumar Ojha, APP

For the Opposite Party/s : Mr. Yogendra Kumar Singh, APP

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CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

4 02-08-2021 Heard learned counsel for the parties through video conferencing.

The petitioner has renewed his prayer for bail in connection with a case registered under section 302 of the Indian Penal Code.

As per allegation in the FIR lodged by the father of the petitioner, the petitioner gave a blow with a bamboo stick on the head of his brother, the other son of the informant, leading to his death.

It is submitted by learned counsel for the petitioner that the prayer for bail of the petitioner was earlier rejected vide order dated 20.2.2020 (Annexure-1) at that stage. It is submitted that there is no progress in the trial in the learned Court below and the petitioner is in custody since 17.3.2019.



The medical report does not support the allegations levelled in the FIR.

Heard learned APP for the State.

As per the report received from the learned Court below as contained in letter dated 6.4.2021, the case has been committed to the Court of Sessions and 20.4.2021 was the date fixed for hearing on framing of charge.

Having heard learned counsel for the parties and taking into consideration the direct allegation against this petitioner which is supported by the contents of the postmortem report, the Court is not inclined to enlarge the petitioner on bail and the application is rejected.

(Partha Sarthy, J)

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