

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.369 of 2021

Arising Out of PS. Case No.-496 Year-2019 Thana- PAROO District- Muzaffarpur

Karan Kumar aged about 28 years, (Male) son of Subhash Rai, Resident of village- Fatehabad Police Station. Paroo, District- Muzaffarpur.

... .. Petitioner

Versus

The State of Bihar

... .. Opp Party

Appearance :

For the Petitioner	:	Mr. Mukesh Kumar Advocate
For the State	:	Mr. Nawal Kishore Prasad APP
For the informant	:	Mr. Gajendra Kumar Singh Advocate

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

7 28-06-2021 In view of the sudden resurgence of Covid-19 infection, there is limited functioning of the High Court and, therefore, the matter has been listed today for consideration through virtual mode.

2. Heard learned counsel for the petitioner and learned counsel for the State

3. The petitioner seeks bail in Paroo PS Case No. 496 of 2019, GR No. 3912 of 2019, instituted for the offence under Sections 147,148,149,323 and 302 of the Indian Penal Code.

4. Learned counsel for the petitioner is expected to honour his undertaking given in the instant case for depositing the requisite court fee and to remove the defects as pointed out by office when called upon to do so by the office.

5. The FIR alleges that the petitioner along with six others were armed with weapons have surrounded the son of the informant and assaulted him leading to his death.

6. The learned counsel for the petitioner submits that in fact, the informant's son was mentally unstable and



cantankerous in nature, on account of which, he used to fight with all and sundry. It is, in the circumstances, that he has probably sustained some injuries and has suffered death. He submits that these facts have come in the course of investigation regarding the informant's son being mentally unstable and cantankerous in nature.

7. Learned counsel for the informant and State have opposed the prayer for bail. It is submitted that the fact that informant's son was mentally unstable and cantankerous in nature and on account of insanity, he used to fight with all and sundry has come in the course of investigation. Referring to paragraph no.6 of the case diary, he submits that specific assault by '*lathi*' on head is attributed against the petitioner. The same stands corroborated by the postmortem report. Under such circumstance, the petitioner should not be privileged with bail.

8. Considering the rival submission, this Court, for the present, is not inclined to allow the petitioner's prayer for bail.

9. Accordingly, the application is dismissed.

(Madhuresh Prasad, J)

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