

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40261 of 2020

Arising Out of PS. Case No.-437 Year-2019 Thana- BARHARA District- Bhojpur

1. BHARO BIND @ BHAIRO BIND Son of Late Sita Ram Bind Resident of Village - Lauhar Farna, P.S.- Barhara, Distt.- Bhojpur.
2. Tan Tan Bind Son of Natha Bind Resident of Village - Lauhar Farna, P.S.- Barhara, Distt.- Bhojpur.
3. Sona Lal Bind Son of Natha Bind Resident of Village - Lauhar Farna, P.S.- Barhara, Distt.- Bhojpur.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Aditya Nath Pandey
For the Opposite Party/s	:	Mr. Dashrath Mehta
For the informant	:	Mr. Ramakant Singh

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

4 13-04-2021 Heard learned Counsel for the petitioners, learned Counsel for the informant and learned Additional Public Prosecutor for the State, through Video Conferencing.

The petitioners seek regular bail in connection with Barhara Police Station Case No. 437 of 2019, registered for the offences punishable under Sections 147/341/323/307/302 of the Indian Penal Code.

The allegation, as per the First Information Report, is that the petitioners, along with one another person, assaulted the husband of the informant by means of hard and blunt substance.

Learned Counsel for the petitioners submits that the



petitioners have falsely been implicated in this case due to minor dispute between the two neighbours. He further submits that the allegation against the petitioners is general and omnibus in nature and there is case and counter case inasmuch as Barhara Police Station Case No. 436 of 2019 has been lodged by the petitioner no. 1 against the informant and others. He next submits that the petitioners are in custody since 14.01.2020.

On the other hand, learned Counsel for the informant and learned Additional Public Prosecutor vehemently oppose the prayer for bail and submit that the allegation of assault upon the husband of the informant is specific against these petitioners and one another, who assaulted brutally on the head and around it, due to which, the husband of the informant died and from perusal of the post mortem examination report, it appears that altogether four injuries have been found on the head and around it on the person of the deceased.

After having heard learned Counsel for the parties and taking into consideration materials on record, the nature of allegation and the post mortem examination report, I am not inclined to grant regular bail to the petitioners, at this stage.

This application is, accordingly, dismissed.

However, the petitioners may renew their prayer for



bail after one year if the trial does not make any progress.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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