

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40522 of 2020

Arising Out of PS. Case No.-114 Year-2020 Thana- CHAKAI District- Jamui

=====

Santosh Barma Male, aged about 28 yrs., Son of Kamdeo Barma Resident of
Village - Nagari, P.S. - Chakai, District - Jamui

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr.Pankaj Kumar Sinha

For the Opposite Party/s : Mr.Ganesh Prasad Singh

=====

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3. 25-03-2021 Heard learned counsel for the parties.

The petitioner seeks bail in Chakai P.S. Case No. 114 of 2020, registered for the offence under Sections 147, 148, 149, 341, 323, 307, 302, 504, 506 of the Indian Penal Code.

As per the prosecution case, on 19.06.2020 in the morning, while the informant was installing hand-pump, the same was objected by the petitioner and other co-accused persons, as a result of which, some scuffle took place. It is further alleged that thereafter, all the 13 FIR-named persons, including this petitioner, and 4-5 unknown persons, variously armed, reached at the place of occurrence and co-accused Kamdeo Burma assaulted the deceased by iron rod on his head and thereafter, this petitioner and one co-accused Pappu Burma were also alleged to have assaulted the deceased by *lathi*, as a result of which, he (deceased) fell down and succumbed during course of treatment.



It is submitted on behalf of petitioner that there is general and omnibus allegation of assault. Admittedly, there is land dispute between the parties and the scuffle took place on the dispute of installing hand-pump. There is case and counter case. As per the *post-mortem* report, cause of death is said to be head injury, which is alleged to be caused by co-accused Kamdeo Burma. Petitioner claims clean antecedent and he is in custody since 20.06.2020. Chargesheet has already been submitted.

However, learned A.P.P. for the State vehemently opposed the bail application and submitted that there is specific allegation against this petitioner that he alongwith other co-accused assaulted the deceased by *lathi*. *Post-mortem* report also reveals that deceased sustained multiple injuries.

Considering the aforesaid facts and circumstances, the bail application of petitioner is rejected.

(Prabhat Kumar Singh, J.)

anay

U		T	
---	--	---	--

