

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5006 of 2021**

Arising Out of PS. Case No.-101 Year-2020 Thana- CHANDRAMANDI District- Jamui

Tehlu Sah @ Talu Sah Male aged about 63 years, Son of Late Brihspati Sah
Resident of Village - Dhabatahr, P.S. - Chandramandih, District - Jamui.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Prakash Mahto

For the Opposite Party/s : Mr. Addl. Public Prosecutor

**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER**

5 05-07-2021 Heard learned counsel for the parties through video conferencing.

The petitioner seeks bail in Chandramandih P.S. Case No. 101 of 2020, registered for the offence under Section 302/34 of the Indian Penal Code.

As per the prosecution case, on 11.08.2020 at about 7:30 AM, while the father of the informant went to see his field, this petitioner alongwith other FIR named accused persons surrounded him and this petitioner is alleged to have assaulted the father of informant by means of lath on his leg, as a result of which, he fell down and thereafter, other accused persons started assaulting him by fists and slaps. It is further alleged that this petitioner was pressing head of informant's father in the mud, as a result of which, father of the informant succumbed to death.



It is submitted on behalf of petitioner that the prosecution case is not supported by the *post-mortem* report, as no external injury has been found on the person of deceased. It is further submitted that there is land dispute between the parties and the allegation of assault is general & omnibus in nature. Petitioner is in custody since 12.08.2020. Chargesheet has been submitted.

However, learned A.P.P. for the State opposed the bail petition and submitted that there is specific allegation of assault against this petitioner by lathi and petitioner is also alleged to have pressed the head of father of the informant in mud, as a result of which, father of informant died and aforesaid fact has also been supported by the post-mortem report, wherein the doctor has opined that the deceased died due to cardio-respiratory failure and Hypovolemic shock.

Considering the aforesaid facts and circumstances, I am not inclined to grant bail to the petitioner and same is, accordingly, rejected.

(Prabhat Kumar Singh, J.)

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