

IN THE HIGH COURT OF JUDICATURE AT PATNA

CRIMINAL MISCELLANEOUS No.6132 of 2021

Arising Out of PS. Case No.-188 Year-2020 Thana- BEGUSARAI TOWN District- Begusarai

Shivam Kumar @ Shivam Shandil Son Of Sri Shaileh Singh @ Shailesh Kumar At Present R/O Lohia Nagar, P.S.- Town, Dist.- Begusarai, Permanent R/O Village- Mahshauri, P.S.- Khagaria, Dist.- Khagaria

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anil Kumar Singh, Adv.

For the Opposite Party/s : Mr. Md. Fahimuddin, APP

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

7 15-07-2021 Heard learned counsel for the petitioner and learned

Additional Public Prosecutor for the State.

The petitioner seeks bail in a case registered for the offence punishable under Sections 302/34 of the Indian Penal Code.

Allegation against the petitioner is that he along with others took the son of the informant near the house of one Radhe Yadav where five other persons were also present and all of them started assaulting his son which was protested by him upon which all of them put the Gamcha in the neck and tightened it, resultantly his son became unconscious and fall down on the ground. On arrival of the police, the injured was taken to the hospital where he was declared to be dead.

Learned counsel for the petitioner submits that he is innocent and has been falsely implicated in this case. He submits that no such occurrence has taken place as alleged in the FIR rather on 10.03.2020 was day of Holi festival and in the evening which the son of the informant in drunken condition



coming upon his bicycle which dashed with a motorcycle. He submits that in course of investigation save and except the informant his wife Laxmi Devi and son-in-law, not any other single person has supported the prosecution case rather the description of place of occurrence clearly states about houses of several other persons is situated there but nobody has supported the alleged occurrence. He submits that petitioner is a student and after completion of his intermediate he has taken admission in B.Pharm in a prestigious institute in Dehradun. He submits that petitioner has clean antecedent and he is languishing in judicial custody since 06.10.2020.

Considering the facts and circumstances of the case, I am not inclined to enlarge the petitioner on bail. Accordingly, his prayer for bail is rejected in connection with Begusarai Town P.S. Case No. 188 of 2020 pending before the court of the learned Chief Judicial Magistrate, Begusarai.

Accordingly, the application is dismissed. However, petitioner is at liberty to renew his prayer for bail after framing of charge.

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(Anjani Kumar Sharan, J)

