

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8254 of 2021

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

SONU KUMAR Son of Amit Kumar @ Amit Kumar Singh Resident of Village - Lohiyanagar (O.P.), P.s.- Town, Lohiyanagar (O.P.), Distt.- Begusarai. Permanent resident of Village - Jagatpur, P.S.- Mathihani, Distt.- Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sandip Kumar Gautam

For the Opposite Party/s : Mr.A.P.P.

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

4 24-07-2021 This matter is taken up for consideration through Video Conferencing.

Heard learned counsel for the petitioner and the State.

The petitioner prays for grant of bail in Town P.S. Case no. 188/2020 registered for the offence punishable under section 302/34 of the Indian Penal Code.

As per prosecution case, this petitioner and two others came to the house of the deceased and took away son of the deceased and thereafter it is alleged that petitioner and other accused persons assaulted the son of the informant as a result of which he became unconscious and fell down on the ground and when the informant raised Hulla, accused persons fled away and later on, son of the informant was taken to hospital where doctor had declared him dead.

It is submitted on behalf of the petitioner that informant is



not an eye witness to the occurrence. It is further submitted that during course of investigation, statement of Laxmi Devi who happens to be wife of the informant was recorded and she stated that FIR named accused and five unknown persons killed her son. Similarly, other witnesses narrated the same story. It is further stated that witness Mukesh Kumar has said that on the alleged date there was Holi festival and some hulla was raised that one Rajesh Sahni fell down from cycle in drunken position and his head was broken and as such deceased died due to accident. Petitioner is in custody since 12.09.2020. Investigation is complete.

However, learned counsel for the State opposed the prayer for bail and submitted that there is direct and specific allegation against this petitioner that he assaulted the deceased as a result of which he died. The aforesaid fact has been corroborated by the post mortem report.

Considering the rival submissions and materials on record, this bail application is rejected.

(Prabhat Kumar Singh, J)

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