

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8072 of 2021

Arising Out of PS. Case No.-199 Year-2020 Thana- MADHUBAN District- East Champaran

1. GAGANDEO BHAGAT Son of Late Sukai Bhagat Resident of Village - Chauhariya, P.S. - Madhuban, District - East Champaran.
2. Bishundeo Bhagat Son of Late Sukai Bhagat Resident of Village - Chauhariya, P.S. - Madhuban, District - East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dhurendra Kumar
For the Opposite Party/s : Mr. Sharda Nand Mishra
Mr. Manoj Kumar

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

4 05-08-2021 Prayer for bail of petitioner No.2, Bishundeo Bhagat, has already been dismissed as withdrawn vide order dated 23.06.2021 passed by this court.

Heard learned counsel for the petitioner No.1, Gagandeo Bhagat, and the State.

Petitioner seeks regular bail in a case registered for the offence punishable under Section 302/34 of the Indian Penal Code.

As per the prosecution case, on 05.07.2020 at about 8 AM when the husband of informant was fencing his house, this petitioner along with other accused persons armed with Lathi brutally assaulted the husband of informant on account of which he sustained injuries and died during the course of treatment.

Learned counsel appearing for the petitioner submits that



there is general and omnibus allegation of assault against this petitioner and others. No specific allegation of assault is made against this petitioner. In fact there is allegation of assault against five persons but the husband of informant received only one injury. Both the parties are descendants of same ancestor and due to land dispute some scuffle took place and the deceased fell down on the ground, sustained injuries and died during the course of treatment. Petitioner is in custody since 29.08.2020 and charge sheet has been submitted.

Learned counsel appearing for the State and the informant opposed the prayer for bail and submitted that there is direct and specific allegation of assault against this petitioner and as per post mortem report the deceased sustained three injuries on his person caused by hard and blunt object.

Considering the facts of the case and the nature of allegation made against the petitioner, I am not inclined to enlarge the petitioner No.1 on bail. Accordingly, the same is rejected.

(Prabhat Kumar Singh, J)

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