

IN THE HIGH COURT OF JUDICATURE AT PATNA

CRIMINAL MISCELLANEOUS No.9956 of 2021

Arising Out of PS. Case No.-577 Year-2019 Thana- KATIHAR District- Katihar

TAPAS KUMAR @ TAPAS KUMAR DAS SON OF UPENDRA DAS
VILLAGE TEJA TOLA, SAHAYAK KATIHAR, KATIHAR

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjeev Kumar Singh

For the Opposite Party/s : Ms. Anita Kumari Singh, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 07-04-2021 The present petition is by way of second attempt at the behest of the petitioner for grant of bail inasmuch as his earlier bail petition in connection with Katihar Town (Sahayak) P.S. Case No. 577 of 2019 for the offence punishable under Sections 302/34 of the Indian Penal Code, was rejected by this Court by an order dated 03.06.2020 passed in Criminal Misc. No. 7007 of 2020.

The case of the prosecution in brief is that in the night of 29.08.2019 all the accused persons including the petitioner herein had arrived at the house of the informant and taken away her son, namely, Rupesh Kumar and after half an hour when the informant heard the sound of crying of her son, she reached at the Middle School, Teja Toli and saw that the accused persons were assaulting her son and later on the said son of the informant died during the course of treatment at Siliguri.

The learned counsel for the petitioner has submitted that cognizance has already been taken in the matter and the petitioner is languishing in custody since 05.09.2019, however, there is no chance of completion of the trial in the near future.



Per contra, the learned A.P.P. for the State Mrs. Anita Kumari Singh has vehemently opposed the prayer for bail and has submitted that on earlier occasion the case dairy was called and this Court had meticulously scrutinized the materials contained in the case diary from which it is apparent that witnesses have supported the incident as also the factum of the petitioner having participated in assaulting the son of the informant along with others. The postmortem report shows as many as eight injuries on the person of the deceased and the doctor, who has conducted the postmortem, has opined that the death of the deceased was due to the effects of head injury.

Considering the facts and circumstances of the case as also taking into account the fact that there is no change in the circumstances so as to warrant re-consideration of the prayer of the petitioner apart from the fact that the petitioner is alleged to have committed a heinous crime, I do not find any merit in the present petition. Accordingly, the present petition stands dismissed.

(Mohit Kumar Shah, J)

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