

**IN THE HIGH COURT OF JUDICATURE AT PATNA  
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)  
CRIMINAL MISCELLANEOUS No.10457 of 2021**

Arising Out of PS. Case No.-122 Year-2020 Thana- TEGHRHA District- Begusarai

Kundan Kumar Son Of Tuntun Mahto Resident Of Village- Gaura, Ward No-1, P.S-Teghra, District-Begusarai

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

**Appearance :**

For the Petitioner/s : Mr.Shubhesh Pandey,Advocate

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

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD  
ORAL ORDER**

4      13-08-2021                      Heard learned counsel for the petitioner and Ms. Nirmala Kumari, learned APP for the State.

The petitioner in the present case is seeking regular bail in connection with Teghra P.S. Case No. 122 of 2020 registered for the offences punishable under Sections 448, 341, 323, 307, 504, 506/34 of the Indian Penal Code and later on chargesheet has been submitted under Sections 448, 307, 504, 302/34 of the Indian Penal Code.

Learned counsel for the petitioner submits that according to the prosecution story the accused persons were father and son in this case entered in the house of the informant at about 12:00 O'clock during day time, they were in drunken stage and were having bamboo pieces in their hands. They started abusing the informant and gave her hand and fist blow.

On this the grandfather of the informant objected to the accused. The accused persons who were having bamboo pieces in their hands assaulted the grandfather of the informant and both of them assaulted him on his head as a result whereof the grandfather of the informant fell down, he started bleeding from his head and on the shouting of the informant the neighbours assembled there. The informant named two co-villagers as witnesses to the alleged occurrence.

Learned counsel for the petitioner submits that in the First Information Report lodged on 11.05.2020 the informant did not make specific allegation against this petitioner with respect to the occurrence which took place on 10.05.2020, however, on 12.05.2020 in his re-statement he made a specific allegation that this petitioner had assaulted on the head of his grandfather.

Learned counsel further submits that although the informant and two witnesses named in the FIR state in course of investigation that the grandfather of the informant had suffered head injury and was bleeding on the spot, at the place of occurrence as narrated in the case diary no sign of blood was found.

It is further submitted that the learned Sessions Judge

has rejected the prayer for bail of the petitioner saying that the post mortem report shows swelling over occipital region of the skull with multiple fracture of skull bone, therefore, no bleeding wound has been noticed on the head of the deceased.

It is submitted that the petitioner is in custody in connection with this case since 29.05.2020, investigation against him is complete, thus, considering that there cannot be any intention on the part of the petitioner to kill the grandfather of the informant, he may be enlarged on bail.

Learned APP for the State has opposed the prayer for bail of the petitioner. It is submitted that in course of investigation the specific allegation has come against this petitioner and the father of the petitioner has been granted bail by a learned Co-ordinate Bench of this Court after noticing the submissions on behalf of him with regard to the materials revealed in course of investigation.

Having regard to the facts and circumstances of the case wherein this Court has though noticed from the submissions of learned counsel for the petitioner that on the place of occurrence no sign of blood was found and the name of the petitioner has transpired with specific allegation subsequently after lodgement of the FIR, considering that the

allegation is serious in nature and the petitioner has remained in custody only since 29.05.2020, this Court is not inclined to release the petitioner on bail at this stage.

Let the trial be expedited. The trial court must proceed to frame charge against the petitioner and conclude the trial preferably within a period of one year from the date of start of normal functioning of the Court.

The prosecution must cooperate in producing the witnesses. In case the trial remains unconcluded during this period for no reason attributable to the petitioner, he may renew his prayer for bail.

The application stands disposed of accordingly.

**(Rajeev Ranjan Prasad, J)**

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.