

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38186 of 2021

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

BISHUN DEO BHAGAT Son of Late Sukai Bhagat Resident of Village -
Chauhaniya, P.S. - Madhuban, District - East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dhurendra Kumar, Adv.

For the Opposite Party/s : Mr. Nawal Kishore Prasad, APP

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 18-01-2022 Heard Mr. Dhurendra Kumar, learned counsel for
the petitioner and Mr. Nawal Kishore Prasad, Additional Public
Prosecutor for the State through video conferencing.

Petitioner seeks regular bail in connection with
Madhuban PS Case No. 199/2020 registered for the offence
punishable under Sections 302/34 of the IPC.

The allegation, as per First Information Report, is that
the petitioner along with his two brothers assaulted the husband
(full brother of the petitioner) of the informant by means of
Lathi due to which he died.

Learned counsel for the petitioner submits that the
petitioner has not committed any offence in the manner alleged
and he has falsely been implicated in this case due to land
dispute. He further submits that one Arti Devi who is wife of



Gagandeo Bhagat has been granted bail by this Court *vide* Cr. Misc. No. 31411/2020.

Learned counsel next submits that petitioner is in custody since 29.08.2020 and the charge-sheet, in the matter, has been submitted. It is also submitted that from perusal of the postmortem report, it would be evident that only one injury has been found on the head of the deceased.

Regards being had to the submissions made by the parties and taking into consideration the material on record and the fact that assault by means of *Lathi* on the head of the deceased has been made by the petitioner and others, doctor has opined the cause of death due to shock and hemorrhage caused by hard and blunt substance, I am not inclined to grant regular bail to the petitioner. The same is, hereby, rejected.

However, petitioner, if so advised, may renew his prayer for bail after nine months from today if the trial does not record any progress.

(Anil Kumar Sinha, J)

perwez

U		T	
---	--	---	--

