

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15250 of 2022

Arising Out of PS. Case No.-24 Year-2021 Thana- HARINMAR District- Munger

Dharmendra Patel, S/o Lakshmi Patel R/o village- Kare Mandal Tola
(Harinmar), P.S.- Harinmar, District- Munger

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Indu Bhushan, Advocate.
For the Informant	:	Mr. Arvind Prasad Singh, Advocate.
For the State	:	Mr. Ramchandra Sahni, A.P.P.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

3 25-08-2022 Heard Mr. Indu Bhushan, learned counsel appearing on behalf of the petitioner, Mr. Arvind Prasad Singh, learned counsel for the informant and Mr. Ramchandra Sahani, learned A.P.P. for the State.

Let the defect(s), if any, be removed within two weeks of the complete start of the physical Court in normal course.

As prayed for, learned counsel appearing on behalf of the petitioner is permitted to make correction in Para-14 of the bail application with regard to the custody of the petitioner.

The petitioner seeks regular bail in connection with Harinmar P.S. Case No. 24 of 2021 for the offence punishable under Sections 341, 323, 324, 307, 302, 447, 427 and 120B/34 of the Indian Penal Code.



All the accused persons named in the F.I.R. including the petitioner assaulted the father of the informant. Informant is the eye witness of the occurrence. Specific allegation against the present petitioner is that he assaulted on the head of the father of the informant and due to such injury in course of treatment his father died.

Learned counsel appearing on behalf of the petitioner submitted that the petitioner was not present at the place of occurrence and in this regard, by way of Annexure-2, he has brought on record certain prescriptions of the treatment issued by one New Life Hospital, Begusarai and the prescriptions are reliable as the same has been issued by the hospital that the petitioner was being treated on the date of occurrence. Charge sheet has already been submitted against the petitioner and there is no question of tampering with the evidence or influencing the witnesses by the petitioner. Petitioner has remained in custody since 29.10.2021.

Shri Arvind Prasad Singh, learned counsel for the informant submitted that charge sheet has already been submitted against the petitioner and the allegation against the petitioner has duly been supported by the testimonies of the independent witnesses. From perusal of the post mortem report



also, it would appear that the father of the informant after undergoing treatment has died due to head injury. The allegation of assault on head is specific against the petitioner. Therefore, he should not be released on bail.

Learned APP has opposed the prayer for grant of bail to the petitioner. He submitted that the independent witnesses in their statement recorded under Section 161 Cr.P.C. in Paragraph Nos. 7, 8 and 9 of the case diary have stated that they have witnessed the incidence and all the three witnesses have supported the allegation made in the F.I.R. against the petitioner that it is the petitioner who had assaulted on the head of the deceased.

Having considered the rival submissions of the parties and taking into account the fact that the informant who is the eye witness of the incidence of murder has specifically alleged against the petitioner that he is the one who had inflicted blow on the head of the deceased by means of iron rod and in course of treatment he died. The independent witnesses have supported the allegation made in the F.I.R. This Court is not inclined to enlarge the petitioner on bail.

Accordingly, the present bail application is rejected.

The trial court is directed to conclude the trial



expeditiously.

Superintendent of Police, Munger is directed to produce all the prosecution witnesses on the date fixed by the trial court without fail.

If the prosecution fails to make their attendance and deliberately delay the trial, the petitioner above named will be at liberty to renew his prayer for bail.

(Purnendu Singh, J)

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