

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18459 of 2022**

Arising Out of PS. Case No.-50 Year-2021 Thana- UDAKISHUNGANJ District- Madhepura

SANDEEP KUMAR @ SANDIP KUMAR S/o- Mithilesh Das @ Shri
Mithilesh Das Resident of Village - Laskari, Ward No. -09, P.S. -
Udakishunganj, District - Madhepura.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Madhuri Lata, APP

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER**

3 20-09-2022 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner seeks bail in a case registered for
the offence under Sections 302 of the Indian Penal Code.

The petitioner is stated to have committed murder
of his younger brother by inflicting repeated garasa blow on
the frontal portion of the neck causing instant death.

Learned counsel appearing for the petitioner
submits that the petitioner, who is of clean antecedent, is
innocent and has falsely been implicated in this case. He
further submits that the deceased and the petitioner happen
to be full brother and the petitioner has not committed
murder of his brother but due to suspicion, he has been



made accused in this case by her mother. He further submits that as a matter of fact the deceased might have been killed by the other as he was having the affairs with the girl of the same village. He further submits that there is no eye witness to the alleged occurrence. The petitioner is rotting in judicial custody since 10.02.2021.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioner and submits that it is a case of brutal murder of own brother and that too has been narrated by their own mother, who is informant in this case. He further submits that although no one claims to be eye witness of the alleged offence, but it would not be out of place that a mother herself is accusing her son for the murder of another son. He further submits that the petitioner is the sole accused in this case with the allegation of inflicting repeated garasa blow over the neck of the deceased causing instant death and this fact is fully corroborated by the opinion of doctor who has conducted the postmortem report. He further submits that in paragraphs 9, 10, 11, 30, 31 and 42, sufficient material has gathered against the petitioner.

Considering the facts and circumstances of the case



and the rival submission of the parties and the brutality of the offence, this Court is not inclined to grant the privilege of bail to the petitioner. Accordingly, the prayer for bail of this petitioner is, hereby, rejected.

(Rajesh Kumar Verma, J)

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