

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19629 of 2022

Arising Out of PS. Case No.-251 Year-2021 Thana- ALAMGANJ District- Patna

BANTI @ ABID @ MD. ABID Son of Md. Nasim Resident of Village -
Alamganj Agarwal Tola Pirvaish, P.S.- Alamganj, Distt.- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Ajay Kumr Thakur Mr. Vaishnavi Singh
For the State	:	Mr.Umesh Lal Verma
For the informant	:	Mr. Shivendra Kr. Sinha,

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 18-07-2022 The learned counsel for the petitioner is directed to

remove all the defects pointed out by the Stamp Reporter within one

month.

Heard learned counsel for the petitioner and the learned
counsel for the State as well as learned counsel for the informant.

Petitioner seeks regular bail in Alamganj P.S. case no. 251
of 2021 registered for the offence punishable under section 302/34 of
the Indian Penal Code.

As per allegation, an incident of **Marpit** took place in
between the petitioner and co-accused and informant's son and being
infuriated co-accused Baby Parveen who happens to be mother of the
petitioner, gave a knife to the petitioner and asked him to kill the
deceased and thereafter petitioner stabbed informant's son and
consequently, informant's son died during course of medical



treatment.

The main submissions advanced by the learned counsel for the petitioner are that as per FIR, first information was received by the police station concerned on 22.4.2021 at 6.30 p.m. while inquest report of the deceased was prepared in PMCH at 11.30 a.m on the same day and dead body was sent for autopsy at 12.15 p.m. and as such the written report was hit by the provision of section 162 Cr.P.C. Further submission is that both the parties are agnates and between them partition dispute was going on at the time of alleged occurrence and the prosecution party encroached the passage allotted to the petitioner and in the beginning a quarrel had taken place in between the parties and thereafter alleged occurrence took place.

Learned APP appearing for the State and learned counsel for the informant have opposed the prayer for bail and submitted that the petitioner is the main accused and against him there is specific allegation which completely gets corroboration from the injury found on the body of the deceased.

Heard both sides and perused the FIR. There is direct allegation against the petitioner and he allegedly inflicted knife blow at the son of the informant and he not only stabbed the deceased but also circled the knife in the chest cavity of deceased and admittedly, there was no good relation in between the prosecution party and the petitioner on account of partition dispute at the time of occurrence.

Considering the nature of the allegation, petitioner does



not deserve privilege of bail and accordingly, his prayer for bail stands rejected.

(Shailendra Singh, J)

s.hassan/-

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