

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23049 of 2022

Arising Out of PS. Case No.-600 Year-2020 Thana- SAHEBGANJ District- Muzaffarpur

Deepak Kumar S/o Late Umashankar Prasad Resident of Village-
Himmatpatti, P.S.- Sahebganj, Distt- Muzaffarpur.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ratneshwar Prasad, Advocate.

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

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 22-07-2022 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 APP for the State.

Petitioner seeks regular bail in connection with
Sahebganj P.S. Case No. 600 of 2020 registered for the offences
under Sections 341, 342, 323, 324, 307, 504/34 of the Indian
Penal Code.

As per allegation made by the informant in his
fardbeyan that while cleaning the courtyard, some water flowed
into the area of the informant's cousin brother Deepak Kumar,
in reaction to which Deepak Kumar and his wife started abusing
the informant's mother and wife and in the course of the said



abuse the petitioner inflicted dagger blows on the informant and his mother and wife who came to rescue him.

The main submissions advanced by learned counsel for the petitioner are that in between petitioner and prosecution party a land dispute is running and both are agnates and from the FIR itself appears that the alleged occurrence took place in spur of moment and the same was not preplanned and the petitioner and the informant are cousin brothers living in the same house and there is case and counter case in between both the parties. Further submission is that the investigation has been completed in respect of petitioner and he has clean antecedent and has been languishing in jail since 13.12.2021.

Learned APP appearing for the State has opposed the bail prayer and submitted that against the petitioner there is serious allegation.

Heard both the sides and perused the FIR. Though the alleged occurrence took place in following with a domestic dispute relating to water cleaning issue but against the petitioner there is specific allegation and he allegedly inflicted dagger blow at the informant and also attacked at the informant's mother and wife when they intervened to save the informant during the occurrence. The order of learned Court below goes to



show that the informant, his mother and wife sustained grievous injury and the injury found at the person of informant is corroborative to the allegation made against the petitioner. There is specific and serious allegation against the petitioner and he not only assaulted the informant by a sharp weapon but also assaulted informant's close family members when they tried to save the informant from the alleged attack of the petitioner and all the injured persons were caused sharp cut injuries. Considering the nature of allegation appearing against the petitioner, in my view petitioner does not deserve to bail. Accordingly his bail prayer stands rejected.

Petitioner may renew his bail prayer after the examination of informant, his mother and wife as a prosecution witness before the Court below if petitioner faces trial. If he avails the said liberty then the learned Court below will decide his regular bail prayer without being prejudiced with present order according to merit.

(Shailendra Singh, J)

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