

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35279 of 2021

Arising Out of PS. Case No.-146 Year-2020 Thana- SRINAGAR District- West Champaran

Gopi Chaudhary S/O Late Harihar Chaudhary R/O Village - Bagahi
Baghambarpur, P.S. - Srinagar (Pujaha), Distt. - West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Bimlesh Kumar Pandey
For the Informant	:	Mr. Sanjeev Kumar
For the Opposite Party/s	:	Mr.Pramod Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 25-01-2022 Heard learned counsel for the petitioner and learned
A.P.P for the State through video conferencing.

The petitioner seeks bail in Srinagar (Pujaha) P.S.
Case No. 146 of 2020, registered for the offence punishable
under Sections 307, 302 and other allied sections of the Indian
Penal Code.

As per the FIR, due to previous land dispute all the
FIR named accused persons including this petitioner having
armed with *lathi*, *Farsa*, *iron rod* came and started assaulting
the father of informant,. Petitioner is alleged to have assaulted
informant's father by means of *Farsa* on his head as a result of
which he fell down on the ground. During course of treatment,
informant's father died.



It is submitted that from perusal of FIR it would be apparent that informant is not eye-witness of the occurrence. There is land dispute between the parties and both parties are agnates. Informant is nephew of petitioner and full brother of deceased. Only one injury was found on the person of deceased whereas, in the FIR there is allegation of assault by other accused persons. Petitioner is in custody since 22.12.2020 having no criminal antecedent.

Learned APP however, vehemently opposed the prayer for bail and submitted that there is specific and direct allegation of assault over head of the deceased against this petitioner. From postmortem report also corroborates prosecution case.

Considering the facts aforesaid and the nature of allegation, I am not inclined to enlarge the petitioner above-named on bail. Accordingly, the same is rejected.

(Prabhat Kumar Singh, J)

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