

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25640 of 2022

Arising Out of PS. Case No.-433 Year-2021 Thana- SIWAN CITY District- Siwan

Gulab Ali S/o Ali Haidar @ Haidar Ali Resident of Village- Purani Keela,
P.S.- Siwan Town, District- Siwan.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Shashi Kumar Sharma, Advocate
For the Opposite Party/s	:	Dr. Indihar Kumari, APP
For the Informant	:	Mr. Bijay Prakash Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 02-12-2022 Heard learned counsel for the petitioner and learned
APP for the State through video conferencing.

Let the defect (s), if any, as pointed out by the office,
be removed within a period of four weeks.

In the present case, the petitioner seeks bail in
connection with Siwan Town P.S. Case No. 433 of 2021
registered for the alleged offences under Section 302 of the
Indian Penal Code.

As per prosecution case, the petitioner gave a knife
blow in the abdomen of the cousin of the informant and the
cousin of the informant succumbed to his injuries while being
taken to Patna for treatment. The occurrence took place in the
background of some altercation which took place earlier



between the petitioner and the deceased.

The learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. Nothing incriminating has been recovered from his possession or at his instance. There is no independent eye-witness except this informant who is the cousin of the deceased. There is no allegation that the petitioner gave repeated knife blow rather it appears a single blow was given. Hence, no offence under Section 302 IPC would be made out. The petitioner is in custody since 20.08.2021 and charge-sheet has been submitted. The petitioner is having clean antecedent.

Learned APP as well as learned counsel for the informant vehemently oppose the submission made on behalf of the petitioner. Learned APP submits that the knife blow was given at a vital part of the body i.e. at the belly-button of the deceased and intention to cause death was always there. Learned counsel appearing on behalf of the informant further submits that the postmortem report corroborates the allegation made in the FIR.

Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the specific nature of allegation against this petitioner of giving the



fatal blow to the cousin of the informant who subsequently died,
I am not inclined to enlarge the petitioner on bail.

Hence, the prayer for bail is rejected.

However, the trial court is directed to expedite the
trial and conclude the same at the earliest.

(Arun Kumar Jha, J)

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