

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26504 of 2022

Arising Out of PS. Case No.-148 Year-2020 Thana- PUPRI District- Sitamarhi

Guljar Son Of Abdul Gaffar R/O Village- Bachharpur, P.S.- Pupri, District-
Sitamarhi. Petitioner/s

Versus

The State of Bihar Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Devendra Kumar, Advocate.

For the Opposite Party/s : Mr. Ashhar Mustafa, APP.

For the Informant : Mr. Tarique Shamim, Advocate.

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR

ORAL ORDER

2 22-08-2022 Learned counsel for the petitioner is permitted to

remove defect(s), as pointed out by the office, if any, within a

period of four weeks from today.

Heard Mr. Devendra Kumar, learned counsel for the
petitioner, Mr. Tarique Shamim, learned counsel for the
informant as well as learned Additional Public Prosecutor for
the State.

The application for grant of bail to the petitioner,
above named, who has been made accused and put behind the
bar in connection with Pupri P. S. Case No. 148 of 2020
registered for the offences punishable under Sections 341, 323,
324, 307, 302 read with 34 of the Indian Penal Code.

As per the prosecution case, it is alleged that on
11.06.2020, all the accused persons surrounded the informant
and started assaulting, in the meantime, when his son came in
his rescue, the petitioner and co-accused Dilshad inflicted knife
blow over the right side of his chest and co-accused Fulbabu



also gave knife blow in right thoracic region of his son due to which he sustained serious injuries. It is also alleged that other co-accused persons also assaulted the son of the informant resulting into his death.

Learned counsel appearing on behalf of the petitioner submitted that there is general and omnibus allegation against all the accused persons and so far the petitioner is concerned, though there is allegation that he inflicted a knife blow over the chest of the deceased but similar allegation has also been attributed against co-accused Dilshad and Fulbabu, however, only two injuries have been found over the chest of the deceased. It is next submitted that the petitioner having fair antecedent, is in custody since 13.06.2020 and moreover, other co-accused persons against whom there was general and omnibus allegation, they have already been granted privilege of regular bail.

On the other hand, learned counsel for the informant drawn the attention of this court towards the post mortem report and submits that the report would suggest that the cause of death was due to haemorrhage and shock leading to cardio respiratory failure as a result of chest injury due to penetrating objects and the same has been attributed against the



petitioner and co-accused persons. He further submits that other co-accused persons having similar allegation had moved before this court in Cr. Misc. No. 20831 of 2021 and their application for bail has been rejected by learned co-ordinate Bench of this Hon'ble Court vide order dated 20.12.2021. A copy of which has been produced before this court and the same has been kept on record.

Learned APP for the State also opposes the bail application.

Having considered the submissions made on behalf of the parties and taking into account the specific nature of accusation and the materials especially the post mortem report, which corroborates the prosecution case, this court is not persuaded to enlarge the petitioner on bail for present.

Accordingly, the present application stands dismissed.

It is expected that the learned trial court will take all necessary measures to expedite the trial and conclude the same as early as possible.

(Harish Kumar, J)

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