

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40561 of 2021

Arising Out of PS. Case No.-30 Year-2021 Thana- OBRA District- Aurangabad

1. Sikandar Kumar S/O Pramanand Mahto R/O Village- Sonahuli, P.S.- Obra, District- Aurangabad
2. Madan Mahto S/O Bashisth Mahto R/O Village- Sonahuli, P.S.- Obra, District- Aurangabad

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Rupa Kumari, Advocate

For the Opposite Party/s : Mr. Shyam Kumar Singh

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 03-02-2022 Heard learned counsel for the petitioner and the State.

The petitioner seeks regular bail in registered for the offences punishable under sections 302/34 of the Indian Penal Code.

As per the prosecution case, these two petitioners and co-accused Lalendra Kumar assaulted the brother of the informant with lathi as a result of which he sustained injuries and died during course of treatment.

Learned counsel for the petitioners submits that there is general and omnibus allegation of assaulting the victim with lathi against all the accused persons and no specific overt act has been alleged against the petitioners. Petitioners have got



clean antecedent as stated in paragraph 3 of the bail petition.
Petitioners are in custody since 5.4.2021.

Learned counsel for the State opposes the prayer for bail and submits that there is direct and specific allegation against these petitioners and the said co-accused that they severely assaulted the informant's brother leading to his death. Post mortem report reveals that the deceased had sustained four injuries on the part of body.

Considering the nature and gravity of accusation against the petitioners, their prayer for bail is refused.

(Prabhat Kumar Singh, J)

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