

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42971 of 2021

Arising Out of PS. Case No.-651 Year-2018 Thana- KHAGARIA District- Khagaria

BHAJAN TANTI @ BHAJAN KUMAR Son of Late Bindeshwari Tanti
Resident of Village - Sanhauli, P.S.- Chitragupta Nagar, District - Khagaria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr.Uma Shankar Prasad Singh, APP.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

4 04-04-2022 Heard the parties.

Heard learned counsel appearing on behalf of the
petitioner and learned A.P.P. for the State.

Let the defect(s), if any, be removed within two
weeks of the complete start of the physical Court in normal
course.

The petitioner seeks regular bail in connection with
S.C. No. 84 of 2021, arising out of Khagaria (Chitragupta
Nagar) P.S. Case No. 651 of 2018 for the offence punishable
under Section 302/34 of the Indian Penal Code.

Prosecution story, in brief, is that the accused persons
named in the F.I.R. armed with lathi, danda, iron rod and handle
of hand pump assaulted the informant and his brother, as a result
of which, brother of the informant namely Anil Tanti succumbed



to the injuries. There is direct allegation against the petitioner that by means of iron rod he assaulted the brother of the informant causing head injury and due to which he died on the spot.

Learned counsel appearing on behalf of the petitioner submits that from the very perusal of the F.I.R., it is apparent that there is variation in the allegation made by the informant who has claimed himself to be eye witness of the occurrence. At one place, he has alleged that the petitioner has assaulted by means of handle of the hand pump and in the latter part of the F.I.R., he has made statement that by means of iron rod the petitioner has assaulted the brother of the informant who succumbed to the injuries. Petitioner has clean antecedent and is in custody since 16.12.2020. Hence the petitioner be released on bail.

Learned APP has opposed the prayer for grant of bail to the petitioner. He submits that the incidence has taken place due to an altercation between the parties and out of spur the said incidence might have occurred in which the petitioner assaulted the informant and his brother who sustained injuries and ultimately due to grievous injuries sustained by the brother of the informant, he succumbed to the injuries. Hence there is



direct allegation against the petitioner to have assaulted the brother of the informant who succumbed to the injuries.

Considering the nature of allegation made in the F.I.R. that the petitioner by means of hard and blunt substance i.e. iron rod / handle of the hand pump has assaulted the brother of the informant who succumbed to the injuries, I am not inclined to enlarge the petitioner on bail.

Accordingly, the present bail application is rejected.

The trial court is directed to conclude the trial expeditiously well within a period of twelve months.

If no substantial progress takes place in the trial within the aforesaid period, the petitioner who has already undergone more than a year of custody, if so advised, may renew his prayer for bail.

(Purnendu Singh, J)

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