

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46169 of 2021

Arising Out of PS. Case No.-417 Year-2020 Thana- GHORASAHAN District- East
Champaran

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1. Banarshi Singh Son of Dharichan Singh Resident of Village - Laxmipur, Laukhan, P.S. - Ghorasahan, District - East Champaran.
 2. Gagandeo Singh @ Gagandeo Prasad Son of Dharichhan Singh Resident of Village - Laxmipur, Laukhan, P.S. - Ghorasahan, District - East Champaran.
 3. Ajay Singh Son of Gaganeo Singh Resident of Village - Laxmipur, Laukhan, P.S. - Ghorasahan, District - East Champaran.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Umesh Kumar Singh

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

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 04-01-2022 Heard learned counsel for the parties through video conferencing.

The petitioners seek bail in Ghorasahan P.S. Case No. 417 of 2020, registered for the offence under Section 302/34 of the Indian Penal Code.

As per the prosecution case, while the father of the informant was constructing boundary on his land, petitioners alongwith other FIR named accused persons came there and thereafter, abused & brutally assaulted him, as a result of which, during course of treatment, he died.

It is submitted on behalf of petitioners that petitioners have been falsely implicated in this case due to land dispute between the parties and no such occurrence, as alleged in the



F.I.R., took place. Allegation of assault is general and omnibus and *post-mortem* report does not support the prosecution case. In fact, the deceased was an old-aged person and he died due to fall on the ground. Petitioner no. 1 & 3 are in custody since 16.04.2021, whereas, petitioner no. 2 is in custody since 22.03.2021.

However, learned counsel for the informant vehemently opposed the bail petition and submitted that there is specific and direct allegation against these petitioners of committing assault, as a result of which, father of the informant died. In the inquest report also, it is mentioned that the cause of death is due to '*Maarpit*' and *post-mortem* report also supports the prosecution case.

Considering the aforesaid facts and circumstances as well as specific allegation against these petitioners, I am not inclined to grant bail to the petitioners and same is, accordingly, rejected.

(Prabhat Kumar Singh, J)

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