

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41019 of 2022**

Arising Out of PS. Case No.-230 Year-2015 Thana- RUPAULI District- Purnia

MD. SHAMSHER SON OF MD. ILIYAS R/O VILLAGE- AJHOKOPA,
P.S.- RUPAULI, DISTRICT- PURNEA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ajit Kumar Singh

For the Opposite Party/s : Mr.Chandra Sen Prasad Singh

**CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR
PANDEY**

ORAL ORDER

2 03-11-2022 The learned counsel for the petitioner is directed to
remove all the defects pointed out by the office within one month.

Heard learned counsel for the petitioner as well as
learned APP for the State.

In this case, the petitioner is seeking regular bail in
connection with Rupauli P.S. Case No. 230 of 2015, registered for
the offences punishable under Sections 302/34 of the Indian Penal
Code.

The specific allegation against the petitioner is that he
inflicted *lathi* blow on the head of the Jamsheer, the husband of the
informant. After sustaining injuries he was referred to Patna for
treatment where he died.

Learned counsel for the petitioner has submitted that
the petitioner is own brother of the informant. The FIR shows itself



that that there was some dispute for partition of the land amongst the brothers. The intention of the petitioner was not to kill the deceased rather he was infuriated at the spur of moment. He has submitted further that the petitioner has surrendered on 24.09.2021 and since then he is languishing in jail.

The informant who is wife of the deceased and also an eye witness has stated that the petitioner assaulted on the head of the informant with *lathi* resulting into his death. As per post-mortem report the frontal bone of his head was found fractured.

Considering the fact that the petitioner is direct assailant, I am not inclined to grant the privilege of bail to the petitioner. Accordingly, it is rejected. Moreover, he may renew his prayer for bail after framing of the charge.

Office shall ensure that all defects are removed by the petitioner within the stipulated time mentioned hereinabove, failing which, the matter shall be brought to the notice of this Court.

(Nawneet Kumar Pandey, J)

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