

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56218 of 2021

Arising Out of PS. Case No.-813 Year-2020 Thana- SONEPUR District- Saran

Upendra Singh @ Birendra Singh, Son of Bhola Singh, Resident of Village-
Sabalpur, Bengali Tola, P.S.- Sonepur, District- Chapra.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ramakant Sharma, Sr. Advocate
		Mr. Kalyan Shankar, Advocate
For the Opposite Party/s	:	Mr. Nand Kumar, APP
For the Informant	:	Mr. Raj Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 19-09-2022 Learned counsel for the petitioner is permitted to remove the defect(s), as pointed out by the office, within a period of four weeks from today.

Heard Mr. Ramakant Sharma, learned senior counsel for the petitioner, Mr. Raj Kumar, learned counsel for the informant and learned APP for the State.

The petitioner seeks regular bail, who is in custody in connection with Sonepur P.S. Case No. 813 of 2020 registered for the offences punishable under Sections 147, 148, 448, 504, 506, 323, 324, 325, 307, 379 of the Indian Penal Code. Later on Section 302 of the Indian Penal Code has been.

As per prosecution case, it is alleged that on 30.10.2020 all the named accused persons, including the



petitioner and 5-7 unknown persons variously armed came to the house of the informant and started abusing. The informant and his nephew Kedar Kumar came out from his house and tried to convince the accused persons, but he did not listen and started abusing in filthy language. In the meantime, co-accused Lal Babu Singh gave blow with the Butt of gun on the waist of Kedar Kumar and the petitioner Upendra Singh assaulted the nephew of the informant by means of Iron rod over his head, due to which he fell down. It is further alleged that co-accused Kapil Singh pierced Barchhi on the head of Kedar Kumar, which crossed through the head. The other accused persons also assaulted the informant and other persons, however, in course of treatment, the nephew of the informant Kedar Kumar succumbed to the injuries.

Learned senior counsel appearing on behalf of the petitioner submits that though the allegation has been levelled against nine named accused persons and 5-7 unknown persons, but the petitioner, being the head of the family, specific allegation has been levelled against him, which does not corroborate by the post-mortem report. He has drawn the attention of this Court towards the post-mortem report and submits that the case of the prosecution is disbelieved for the



simple ground that no piercing injury has been found and only lacerated injury has been found over the head of the deceased. He next submits that both the parties are neighbours and there was a free fight taken place, due to which the members of both sides sustained injuries, however the prosecution has failed to explain the injuries sustained to the members of the petitioner. He next submits that the counter version of the present case, being Sonapur P.S. Case No. 788 of 2020 was instituted by this petitioner, wherein the wife of the petitioner had sustained injuries. He next submits that so far the petitioner is concerned, he is custody since 16.03.2021, having fair antecedent.

On the other hand learned counsel for the Informant vehemently opposes the bail application and submits that the post-mortem report clearly corroborates the prosecution case, as the injury sustained over the head of the deceased clearly reflects that he was assaulted by means of hard and blunt substance. He also submits that all the witnesses have supported the prosecution case that it is the petitioner and one Kapil Singh, who have brutally assaulted the nephew of the informant resulting into his death.

Learned APP for the State also opposes the bail application.



Regard being had to the submissions made on behalf of the parties and considering the specific nature of accusation as well as the post-mortem report, this Court is not persuaded to enlarge the petitioner on bail, for the present. However, the petitioner is at liberty to renew his prayer for bail after framing of charge.

Accordingly, the present application stands dismissed.

It is expected that the learned trial court will take all necessary measures to conclude the trial as expeditiously.

(Harish Kumar, J)

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