

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56260 of 2022**

Arising Out of PS. Case No.-77 Year-2022 Thana- MAHINDWARA District- Sitamarhi

Abnish Kumar @ Manish Kumar, aged about 19 years, Male, son of late Chandrika Ray, resident of village- Sugridih, P.S- Mahindwara, Dist- Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shiva Shankar Sharma, Advocate
For the Opposite Party/s : Mr. Sanjay Kumar Singh, APP

**CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT**

Date: 23-12-2022

The matter has been heard through video conferencing.

2. Heard Mr. Shiva Shankar Sharma, learned counsel for the petitioner and Mr. Sanjay Kumar Singh, learned Additional Public Prosecutor (hereinafter referred to as the ‘APP’) for the State.

3. The petitioner seeks bail being in custody in connection with Mahindwara PS Case No. 77 of 2022 dated 05.05.2022, instituted under Sections 147, 148, 149, 341, 342, 323, 324, 307 and 302 of the Indian Penal Code.

4. The petitioner, along with others, is accused of



assaulting the deceased leading to his death.

5. Learned counsel for the petitioner submitted that the specific allegation of inflicting stab wound is on co-accused, Rajnish Kumar, and the postmortem report confirms only one sharp cutting injury on the lower part of the back of chest in the left side. Thus, it was submitted that the petitioner has been falsely implicated as name of fifteen persons, including the petitioner, has been given due to local village enmity. It was further submitted that the petitioner having no criminal antecedent is in custody since 06.05.2022.

6. Learned APP submitted that the case has been found true against the petitioner and charge-sheet has been submitted. Moreover, it was submitted that when the police reached the place of occurrence he was caught at the spot and, thus, the allegation cannot be brushed aside as his presence at the place of occurrence is corroborated. Thus, his complicity is evident.

7. Having considered the submissions of learned counsels for the parties and taking into account that the petitioner has been caught at the site of the crime at the relevant time by the police, the Court is not inclined to allow the prayer for bail.



8. Accordingly, the application stands dismissed.

(Ahsanuddin Amanullah, J)

J. Alam/-

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