

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.65314 of 2021**

Arising Out of PS. Case No.-46 Year-2019 Thana- WARISNAGAR District- Samastipur

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MOHAN KUMAR SINGH Son of Pramod Kumar Singh Resident of Village  
- Balahi, Satmalpur P.S. - Waris Nagar, District - Samastipur.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr.Raja Ram Mishra  
For the Opposite Party/s : Mr.Ram Anurag Singh

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**CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY**  
**ORAL ORDER**

3      31-08-2022                      Let the defect(s), as pointed out by the office, be  
  
removed within a period of four weeks from today.

Heard learned counsel for the petitioner and  
  
learned A.P.P. for the State.

The petitioner seeks bail in connection with Waris  
  
Nagar P.S. Case No. 46 of 2019 registered for the offences  
  
punishable under Sections 302, 34 of the Indian Penal Code.

As per prosecution case, petitioner and others  
  
having armed with lathi, danda and other weapons surrounded  
  
the informant's brother and began to assault. There is accusation  
  
against the petitioner to have assaulted the informant's brother  
  
behind the back of head by sharp cutting weapon as a result of  
  
which victim sustained injury and died on account of head  
  
injury.



Learned counsel for the petitioner submits that petitioner is in custody since 13.07.2021 and bears no criminal antecedent. Charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence. He further submits that informant is not an eye witness of the alleged incident. From perusal of the FIR, it is evident that there is land dispute between the parties. There is no specific allegation against the petitioner rather allegation is of general and omnibus in nature.

The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner submitting that there is specific accusation against the petitioner to have assaulted on the head of victim resulting death of the victim and the witnesses have also supported the alleged occurrence. The postmortem report of the deceased also supported the allegation as mentioned in the FIR.

Considering the accusation against the petitioner coupled with injury report mentioned in the postmortem report and other materials available on record, I am not inclined to grant bail to the petitioner. Accordingly, prayer for bail of the petitioner stands rejected.

However, learned court below is directed to



conclude the trial as early as possible preferably within one  
year.

**(Alok Kumar Pandey, J)**

shahzad/-

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