

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65798 of 2021**

Arising Out of PS. Case No.-99 Year-2021 Thana- NOORSARAI District- Nalanda

SURAJ KUMAR Son of Late Niranjana Ram Resident of Village - Meyar,
P.S.- Noorsarai, Distt.- Nalanda.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Sudish Kumar, Advocate
For the Opposite Party/s	:	Mr. Anand Kishore Choudhary, APP
For the Informant	:	Mr. Jitendra Kumar Rai, Advocate

**CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER**

3 16-05-2022 Heard learned counsel for the petitioner, learned
APP for the State and learned counsel for the informant.

The petitioner has preferred this application for grant
of regular bail in a case registered under sections 302 and 34 of
the Indian Penal Code.

As per the prosecution case, son of the informant
who had gone out from his house did not return. After search by
the informant, he was found in an unconscious state. The
informant took him to the hospital from where he was referred
for better treatment to the PMCH, Patna where he died in course
of treatment at 24.3.2021 at 7 am. The informant states that he
is convinced that his son had been killed by the petitioner along
with others.



It is submitted by learned counsel for the petitioner that the petitioner has been falsely implicated in the case. There is no eye witness to the occurrence. From the FIR it would transpire that the son of the petitioner was taken to the hospital where he died in course of treatment. The petitioner is in custody since 28.3.2021.

The application for bail is opposed by learned APP for the State and learned counsel for the informant. It is submitted that the witnesses Pramila Devi and Karu Tanti in paragraph no. 9 of the case diary have made specific allegations against this petitioner along with one Sammi Kumar of having assaulted the son of the informant which led to injuries and his subsequent death. It is submitted that even the postmortem report supports the allegations against the petitioner in so far as the cause of death is said to be injuries caused by hard and blunt substance.

Having heard learned counsel for the parties and taking into consideration the material that has transpired in course of investigation, the statement of witnesses Pramila Devi and Karu Tanti recorded in the case diary together with the contents of the postmortem report wherein the cause of death is said to be injuries due to hard and blunt substance, the Court is not inclined to enlarge the petitioner on bail and the application



is rejected.

Learned trial court is directed to expedite the trial.

(Partha Sarthy, J)

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