

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72116 of 2021

Arising Out of PS. Case No.-471 Year-2021 Thana- PHULWARISHARIF District- Patna

Akhilesh Kumar @ Akhilesh Mahto, Son of Jevan Mahto, R/o Village- Jatkuli Thikha, P.S.- Vaishali, District- Vaishali at present resident of Mohalla Vasista Colony, Tenant in the house of Suresh Sah (Phulwari Sharif), P.S.- Phulwari Sharif, District- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Nikhil Singh, Adv.
For the Opposite Party/s	:	Mr.Surendra Prasad Singh, APP
For the Informant	:	Mr. Shayameshwar Kumar Singh, Adv.

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 19-05-2022 Learned counsel for the petitioner undertakes to remove all the defects as pointed out by office within two weeks after start of normal functioning of the Court.

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

Petitioner in the present case is seeking regular bail in connection with Phulwari Sharif P.S. Case No.471 of 2021 registered for the offences punishable under Sections 341, 323, 324, 307 and 302 of the Indian Penal Code. He is in custody since 07.06.2021. The petitioner has got no criminal antecedent.

As per the prosecution story, when the informant and his two brothers and father were sleeping, his cousin brother



(the petitioner) who is residing in the same house at first floor suddenly came with 16 mm iron rod and attacked on the elder brother of this informant on his head causing serious injury to the elder brother of the informant. Petitioner also assaulted the informant and whereafter he fled away.

Learned counsel for the petitioner though submits that it is a case of false implication of the petitioner as no such type of occurrence has taken place, learned counsel for the informant and learned APP for the State have opposed the prayer for bail of the petitioner saying that this petitioner is the sole assailant of this case.

Having regard to the submissions noted hereinabove and on noticing that the petitioner is the sole assailant and accused of this case against whom there is a serious allegation of causing death of his own cousin brother and injuring the others, this Court is not inclined to release the petitioner on bail. Prayer for bail is, thus, refused.

Let the trial be expedited.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

