

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.21434 of 2022**

Arising Out of PS. Case No.-107 Year-2020 Thana- THAWE District- Gopalganj

YUSUF ALI SON OF ALISHER ALI @ SHEKH ALISHER R/O-  
VILLAGE- JAGMALAWA (BAGAHA SAIDA), P.S.- THAWE, DISTRICT-  
GOPALGANJ

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

|                          |   |                                                                  |
|--------------------------|---|------------------------------------------------------------------|
| For the Petitioner/s     | : | Mr. Ranjeet Kumar Pandey, Advocate<br>Mr. Rajesh Kumar, Advocate |
| For the Opposite Party/s | : | Mr. Satyendra Prasad, APP<br>Mr. Rajeev Ranjan, Advocate         |

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

5      09-01-2023                      Heard learned counsel for the parties.

The petitioner has preferred this application for grant of regular bail in a case registered under sections 307 and other sections of the Indian Penal Code to which section 302 of the Indian Penal Code was added subsequently.

As per the prosecution case, it is stated by the informant that on the accused persons including the petitioner herein being asked by the informant not to consume smack and liquor behind his house, the accused persons variously armed assaulted the informant and the members of his family. The petitioner is said to have assaulted the father of the informant with a *lathi* on his head as a result of which he subsequently



died.

It is submitted by learned counsel for the petitioner that he is innocent and has not committed any offence. No occurrence in the manner as alleged in the F.I.R has taken place. There is an inordinate delay of more than 28 hours in lodging of the F.I.R inspite of the police station being at a distance of 3 kms from the alleged place of occurrence. The death of the injured took place three days after the alleged occurrence and thus cannot be attributed to the petitioner. The petitioner did not have any intention to kill. The petitioner surrendered on 8.2.2022 and is in custody since then.

Heard learned A.P.P for the State.

Having heard learned counsel for the parties and taking into consideration the direct allegation of assault by the petitioner with a *lathi* on the head of the informant's father who subsequently died and the said allegation being supported from the contents of the postmortem report, the Court is not inclined to enlarge the petitioner on bail and the application is rejected.

**(Partha Sarthy, J)**

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