

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24124 of 2022

Arising Out of PS. Case No.-308 Year-2021 Thana- SIKARPUR District- West Champaran

Lalbabu Sah S/o Prahlad Sah Resident of Simari, Bahuari, P.S. - Ramnagar,
District - West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bimlesh Kumar Pandey, Adv

For the Opposite Party/s : Mr. Mohammed Arif, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

4 03-01-2023 Heard learned counsel for the petitioner and learned APP for
the State.

This Court would expect that the petitioner's Counsel would honour his undertaking in the instant proceedings regarding supply of requisite court fee etc. within two weeks from the date he is called upon to do so by the office.

Petitioner seeks bail in connection with Shikarpur P.S. Case No. 308 of 2021 registered under Sections 341, 323, 324, 354, 379, 504 and 34 of the Indian Penal Code and later on added Section 302 of I.P.C.

The petitioner is accused of having assaulted the prosecution parties, along with 7 other named accused persons and four unknown persons. The specific assault by *farsa* on the head of the deceased is alleged against the petitioner.

It is submitted by learned counsel for the petitioner that



Section 302 of I.P.C has been added, much after lodging of the F.I.R. The allegations are to be viewed keeping in background the land dispute, the same occurrence gives rise to another case wherein the present prosecution parties have been made accused persons. The parties have also settled the matter amicably and some of the accused have been allowed anticipatory bail.

Learned APP referring to the case diary has assisted the Court. He submits that during investigation the material that has emerged against the petitioner is statement of the victim recorded two days prior to his death, wherein he has corroborated his assault on his head by the petitioner. He has also referred to the injury report which corroborates the alleged assault against the petitioner.

Considering the rival submissions, materials relied upon by the learned State counsel, this Court is not inclined to allow petitioner's prayer for bail. The same is rejected.

The application for bail is thus dismissed.

(Madhuresh Prasad, J)

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