

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26058 of 2023

Arising Out of PS. Case No.-75 Year-2019 Thana- DURAULI District- Siwan

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Sambhu Gond @ Sambhu Goar Son Of Late Kailash Gond @ Kailash Goar
Resident Of Village - Daraili Mathiya, P.S. - Darauli, Distt. - Siwan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ajay Kumar Pandey, Advocate
For the Opposite Party/s : Mr. Anish Chandra, APP

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

4 04-07-2023 Heard learned counsel appearing on behalf of the

petitioner and learned APP appearing on behalf of the State.

The petitioner seeks bail in connection with Darauli
P.S. Case No.75 of 2019 registered for the offence under
Sections 341, 323, 337, 338, 302, 504, 506 and 34 of the Indian
Penal Code.

The accused/petitioner is named in the F.I.R. and is in
custody since 16.12.2022.

The allegation against the petitioner is to murder the
wife of the informant alongwith other co-accused
persons/family members by causing head and other bodily
injuries, where assault was caused by using 'labda' (a local
wooden heavy instrument generally used for separating grains).
Assault alleged to be specifically caused by this petitioner,



where occurrence arises out of land disputes.

Learned counsel appearing on behalf of the petitioner submitted that occurrence arises out of land disputes, where initially assault was made by several co-accused persons. It is also submitted from the perusal of postmortem report that multiple injuries also appears. It is submitted that alleged assault is single without any intervening circumstance, negating intention to cause death. While concluding the argument, it is submitted that petitioner is a man of clean antecedent and moreover, investigation of this case has been completed, for which, charge-sheet has already been submitted, as such, there is no chance of tampering with the evidence.

Learned APP appearing on behalf of the State, while opposing the prayer for bail submitted that informant is eye-witness of the occurrence and he specifically raised allegation to give fatal blow on the head of the deceased by this petitioner using *labda*. It is submitted that during the course of investigation other injured eye-witness of this occurrence Pradeep Gond also stated that this petitioner assaulted on the head of deceased by using *labda*. It is further pointed out that the postmortem report showing the major injury on head which is appearing fatal.



In view of the facts and circumstances as mentioned above and by taking note of the specific allegation against petitioner to cause fatal assault to wife of the informant, which also appears in corroboration with the postmortem report, this Court is not inclined to grant privilege of bail to the petitioner, at present.

Accordingly, the prayer for bail of the petitioner is rejected herewith.

The learned Trial Court is directed to conclude the trial, preferably, within a period of 06 (six) months from the date of receipt of this order, by taking this matter on board, on day-to-day basis, if required.

(Chandra Shekhar Jha, J.)

S.Tripathi/-

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