

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31469 of 2023

Arising Out of PS. Case No.-595 Year-2022 Thana- BAHERA District- Darbhanga

MD. SOHRAB @ MD. SORAB SON OF MD. BARIK @ ABDUL BARIK
SHEIKH R/O VILLAGE- BADARBANNA, P.S.- BAHERA, DISTRICT-
DARBHANGA

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Madhusudan Kumar, Advocate
For the Opposite Party/s : Mr.Shyam Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 23-08-2023 Heard the parties.

The petitioner is in judicial custody in connection with Bahera P.S. Case No.595 of 2022 instituted under Sections 341,323,307,379,147,148,149, 427 and 302 of the IPC lodged on 18.11.2012 by the informant Md. Samiullah.

The prosecution story shows that the informant (now deceased) was brutally assaulted by accused persons and so far as petitioner is concerned, allegation is of assaulting on his head.

Learned counsel for the petitioner submits that the postmortem report does not corroborate with the assault theory so far as this petitioner is concerned.

Learned counsel appearing for the informant beside opposing the prayer for bail have brought on record an order of coordinate bench in Cr. Misc. No.26705 of 2023 to show that



three accused persons have been denied bail on 23.05.2023.

Let the same be kept on record.

Learned APP on the other hand has refuted the claim of the learned counsel for the petitioner and has provided the postmortem report which is part of the case diary, conducted by the Nalanda Medical College, Patna in which injury on the head has been recorded.

Considering all the facts on record, the submissions put forward by the respective counsels this is certainly not a fit case for extending the benefit bail to the petitioner.

Accordingly, the prayer for bail is rejected.

(Rajiv Roy, J)

Prakash Narayan

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