

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32610 of 2022

Arising Out of PS. Case No.-324 Year-2020 Thana- SASARAM MUFFSIL District- Rohtas

Mukesh Singh @ Mukesh Kumar S/O Late Hira Singh R/O Village-
Kanchanpur, P.S.- Sasaram (M), District- Rohtas

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ashutosh Tripathy

For the Opposite Party/s : Mr.Dilip Kumar No. 1

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

8 15-03-2023 Heard learned counsel for the petitioner, learned APP
for the State and learned counsel for the informant.

The petitioner has prayed for bail in connection with Sasaram(M) P.S. Case No. 324 of 2020 instituted for the offence under Section 341, 323, 325, 504, 379 and 34 of the Indian Penal Code and later on Section 302 of IPC was added.

Allegation against the petitioner along with other co-accused persons is that when the informant's father-in-law, namely, Dukhi Singh had gone for irrigation, then he saw that some material like, starter, wire and potato seeds were stolen, then he asked about stolen materials from accused persons, namely, Jai Shanker Singh, Narayan Singh and Lakshuman Singh who were also watering their field of paddy. In the meantime, arguments were starting between the informant's



father-in-law and accused persons. After that they started abusing him and assaulting him. Further alleged that when her father-in-law tried to run away from there, then Mukesh Kumar(petitioner) and one co-accused Vishal Singh assaulted him with rod and danda, lastly petitioner assaulted him repeatedly with rod on his head due to which he received serious injury and later on he succumbed to injury.

Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence. He has falsely been implicated in this case due to land dispute. There is case and counter case between the parties and both parties have sustained injuries. Petitioner has also received injury. A statement has been made in para-3 of this petition that the petitioner has got no criminal antecedent. He is languishing in judicial custody since 29.01.2022.

Learned APP appearing for the state and learned counsel for the informant have vehemently opposed the prayer of regular bail and submitted that there is specific overt act against the petitioner that he incessantly assaulted to the deceased by means of rod on his head due to which he succumbed to injuries. During investigation, witnesses supported the prosecution case, and postmortem report also



shows that several injuries have received on the vital part of the body of the deceased and doctor opined that the cause of death is cardio respiratory arrest due to traumatic brain injury as mentioned caused by hard and blunt object.

Having heard the learned counsel for the parties and considering the nature of allegation, this court is not inclined to enlarge the petitioner on bail and, as such, his prayer for bail stands rejected.

The trial court is directed to expedite the trial and conclude the same as early as possible.

(Sunil Kumar Panwar, J)

shubham/-

U		T	
---	--	---	--

