

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33745 of 2023

Arising Out of PS. Case No.-132 Year-2022 Thana- BASANTPUR District- Siwan

MONU KUMAR @ BANARI S/O YOGENDRA SINGH R/O Village-
Basaon, P.S- Basantpur, Distt.- Siwan.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shishir Kumar, Adv.

For the Opposite Party/s : Mr. Yogendra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

- 3 27-07-2023 1. Heard learned counsel for the petitioner, learned counsel for the informant and learned Additional Public Prosecutor for the State.
2. Petitioner seeks bail, who is in custody since 31.03.2022 in connection with Basantpur P.S. Case No.132/2022, dated 30.03.2022, for the offences punishable under Sections 302, 307, 341, 323, 504/34 of the IPC.
3. According to prosecution case, the petitioner along with his brother is alleged to have assaulted on the head of the informant's brother by means of iron dab due to which he died during course of treatment.
4. Learned counsel for the petitioner submits that the petitioner has falsely been implicated in the present case. He further submits that the allegation as alleged in the F.I.R. is false



and fabricated and the petitioner has not committed any offence as alleged in the F.I.R. He further submits that the allegation as alleged in the F.I.R. is not supported by the medical evidence.

5. Learned counsel for the informant as well as learned Additional Public Prosecutor for the State on the other hand vehemently opposed the prayer for bail of the petitioner and submits that the bail petition of co-accused namely Amitesh Kumar @ Sikari has been rejected by this Court vide order dated 17.03.2023 passed in Cr. Misc. No. 56431/2022 and the allegation against this petitioner is similar to the co-accused. Apart from that the petitioner has carried four criminal antecedent other than the present one.

6. Considering the aforesaid facts, I am not inclined to enlarge the petitioner on bail in connection with S.Tr. No.367/2022, arising out of Basantpur P.S. Case No.132/2022, pending in the Court of learned 11th Additional Sessions Judge, Siwan.

7. Prayer is refused.

(Rajesh Kumar Verma, J)

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