

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59996 of 2022

Arising Out of PS. Case No.-355 Year-2020 Thana- MURLIGANJ District- Madhepura

Binod Sah @ Binod Kumar Sah Son Of Late Shivjee Sah R/O Ganesh
Chowk, Ward No.21, P.S.- Muraliganj, District- Madhepura

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance:

For the Petitioner/s : Mr. Dr. Bidhu Ranjan, Advocate

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

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

3 15-03-2023 Heard learned counsel for the petitioner and the learned
APP for the State.

Petitioner seeks regular bail in connection with Murliganj
P.S. Case No. 355 of 2020 registered for the offences punishable
under Sections 147, 148, 149, 341, 323, 307 and 302 of the
Indian Penal Code.

As per the prosecution, due to partition dispute, the
husband of the informant was assaulted by petitioner and co-
accused persons by means of *lathi*, *danda* and *iron rod* on his
head and he was later declared dead by the doctor.

The main submissions advanced by learned counsel for
petitioner are that the petitioner is full brother of the deceased
and in the FIR ten persons including the petitioner have been
named and a dispute relating to partition running in between the

petitioner and deceased is stated to be the genesis of the occurrence and only one injury being in the nature of lacerated wound at the left parietal region of the deceased is said to be the main cause of death of the deceased and the FIR goes to show that alleged occurrence took place in the spur of moment and the same was not intended and as per the FIR the deceased was assaulted by altogether ten persons including the petitioner but the doctor found only two injuries on his body which suggest that at the time of occurrence the informant was not present and the manner of the occurrence mentioned in the FIR clearly shows that there was no intention on the part of the petitioner and other co-accused persons to commit the murder of the deceased. Further submission is that the petitioner has fair and clean antecedent and has been languishing in jail since 08.03.2022.

Learned APP for the State has opposed the bail prayer.

Heard both the sides and perused the FIR and case diary of this case. The instant matter relates to murder of the brother of the informant and in the FIR there is specific allegation against the petitioner and he and co-accused Ganesh Sah assaulted at the head of the deceased by means of *iron rod*. Considering the seriousness of the allegation appearing against

the petitioner, in my opinion, it is not a fit case for bail to the
petitioner. Accordingly, his prayer stands rejected.

(Shailendra Singh, J)

Shahnawaz/-

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