

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39070 of 2022

Arising Out of PS. Case No.-254 Year-2021 Thana- BAKHTIARPUR District- Saharsa

Ratan Kumar Sah Son Of Bhikhan Sah Resident Of Village - Baijnathpur,
Ward No.- 17, P.S. - Bakhtiyarpur (Balwahat O.P.), District - Saharsa.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Binod Kumar Sinha
		Mr. Ashok Kumar
For the Opposite Party/s	:	Mr.Arun Kumar
For the Informant	:	Mr. Madhav Jha

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

4 14-02-2023 Heard learned counsel for the petitioner and learned
APP for the State and learned counsel for the informant.

The petitioner has prayed for bail in connection with
Bakhtiyarpur (Balwahat O.P) P.S. Case No. 254 of 2021
instituted for the offence under Sections 341, 323, 324, 307,
326, 354, 504, 302 and 34 of the Indian Penal Code.

Prosecution case in short is that the grand daughter of
the informant was at the door, then petitioner along with other
co-accused namely, Dilkhush Kumar dragged the grand
daughter of the informant with bad intention. Thereafter, the
grand son of the informant came to save her, then the petitioner
assaulted on the head of the Chandan Kumar (grand son) by
spade and other co-accused also assaulted him and one Bhikhan



Sah assaulted the grand daughter by means of iron rod on head. When the informant came, they assaulted her with fists and slaps. It is further alleged that due to injury, the grand son, namely Chandan Kumar died during treatment.

It is submitted by learned counsel for the petitioner that petitioner has been falsely implicated in this present case due to village politics. He is innocent and has committed no offence. A statement has been made in para-3 of this petition that the petitioner has got no criminal antecedent. He is languishing in custody since 27.08.2021.

Learned APP appearing for the state and learned counsel for the informant have opposed the prayer of regular bail and submitted that there is specific overt act against the petitioner to assault to the deceased Chandan Kumar by means of spade upon the head due to which he succumbed to injury. It is further submitted that during investigation, witness supported the prosecution case and postmortem report opined that the cause of death is due to head injury.

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)

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