

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38981 of 2023

Arising Out of PS. Case No.-439 Year-2022 Thana- CHIRAIYA District- East Champaran

Radha Sah Son of Late Sahdeo Sah Resident of Village - Khartari, P.S.-
Chiraiya, District - East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Rakesh Kumar No.1, Advocate
For the Opposite Party/s	:	Mr. Surendra Prasad Singh, APP
For the Informant	:	Mr. Rajesh Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 01-08-2023 Heard learned counsel for the petitioner, learned
counsel appearing on behalf of the informant as well as learned
Additional Public Prosecutor for the State.

2. Learned counsel for the petitioner is permitted to
remove the defect(s), as pointed out by the office, if any, within
a period of four weeks from today.

3. Petitioner seeks bail who is in custody since
13.10.2022 in connection with Chiraiya P.S. Case No. 439 of
2022, F.I.R. dated 12.10.2022 for the offences punishable under
Sections 302/34 of the Indian Penal Code.

4. According to prosecution case, a serious quarrel
took place between the father of the informant and this
petitioner and due to this, the petitioner along with his wife and



son armed with iron rods assaulted the father of the informant on his head resulting into his death.

5. Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case. It appears from the F.I.R. that there is no specific allegation against the petitioner.

6. The learned counsel appearing on behalf of the informant as well as learned Additional Public Prosecutor have vehemently opposed the prayer for bail of the petitioner and submits that from perusal of the F.I.R. it appears that the F.I.R. is in two parts and according to part one, there is general and omnibus allegation against all the accused persons including the petitioner and according to part two, there is specific allegation against the petitioner that he has assaulted the father of the informant by means of iron rod. He further submits that the postmortem report of the father of the informant also suggests that the cause of the death is intracranial hemorrhage due to head injury.

7. Considering the aforesaid facts and circumstances and the fact that there is direct and specific allegation against the petitioner and the postmortem report also supports the allegation as alleged in the F.I.R, I am not inclined to enlarge the



petitioner on bail in connection with Chiraiya P.S. Case No. 439
of 2022 pending in the court of learned Additional Sessions
Judge 19th , East Champaran at Motihari.

8. Prayer is refused.

(Rajesh Kumar Verma, J)

Vanisha/-

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

