

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40371 of 2023

Arising Out of PS. Case No.-781 Year-2020 Thana- MAJHAULIA District- West Champaran

Faudar Prasad @ Fauzdar Prasad Son Of Late Ramchandra Prasad Resident
Of Village - Godha Semra, P.S. - Majhauilya, Distt. - West Champaran

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anant Kumar Mishra, Advocate

For the Opposite Party/s : Mr. Gulnar Begum, APP

**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

2 21-07-2023 Learned counsel for the petitioner is permitted to remove defect (s), as pointed out by the office, if any, within a period of four weeks on resumption of physical mode.

2. Heard learned counsel for the petitioner and learned A.P.P for the State.

3. The petitioner has preferred this application for grant of regular bail in connection with Majhauilya P.S. Case No. 781 of 2020 dated 01.12.2020 registered for the offences u/ss 341, 323, 325, 307, 302 read with section 34 of the Indian Penal Code.

4. As per the prosecution case, the allegation against the petitioner is of assaulting on the head of the informant's grandfather with *lathi*. Thereafter, he was taken to the hospital, PMCH where he died during the course of treatment.

5. Learned counsel for the petitioner has submitted that



the petitioners is innocent and has falsely been implicated in this case. Learned counsel has further submitted that as per postmortem report, no injury is found on the head of the deceased. Learned counsel has further submitted that earlier the deceased fell down and his leg had fractured and his head had collided with the wall as a result he sustained injury. The petitioner has got one more criminal case as stated in para 3 of the bail petition. The petitioner is in custody since 17.04.2023.

6. Learned A.P.P. for the State has vehemently opposed the bail petition of the petitioner by submitting that the petitioner is the son the deceased and there is specific allegation of assault against the petitioner and as per the postmortem report, cause of death is head injury.

7. Considering the aforesaid facts and circumstances of the case as well as the specific and heinous nature of allegation against the petitioner , I am not inclined to enlarge the petitioner on bail.

8. The application stands rejected.

(Chandra Prakash Singh, J)

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