

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54525 of 2023

Arising Out of PS. Case No.-2 Year-2023 Thana- ARA NAGAR District- Bhojpur

Samir Kumar Srivastav @ Samir Kumar Srivatav @ Kalu Son of Late Vinay
Lal Mohalla- M.P Bag Ara PS- Ara Town Dist- Bhojpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Sunil Kumar, Advocate
For the Informant	:	Mr. Ravindra Kumar, Advocate
For the State	:	Mr. Bhanu Pratap Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 14-09-2023 Heard learned counsel for the petitioner, learned counsel appearing on behalf of the Informant and learned APP for the State.

2. Petitioner seeks bail, who is in custody since 13.03.2023, in connection with Ara Town P.S. Case No. 02 of 2023, F.I.R. dated 01.01.2023 registered for the offences punishable under Sections 147, 149, 323, 307, 354, 504, 506 of the Indian Penal Code and later on Section 302 of the Indian Penal Code was added.

3. Allegation against the petitioner is that he assaulted the deceased by means of iron rod due to which he died.

4. Learned counsel for the petitioner submits that



the petitioner is innocent and he has been falsely implicated in the present case. He further submits that there is case and counter case between the parties and place of occurrence near the house of the petitioner. He further submits that as per allegation in the F.I.R. that the petitioner had assaulted the deceased by means of iron rod and he died during treatment and due to present occurrence both sides have sustained injured and there was free fighting between the parties and there was no intention to kill anyone.

5. Learned APP for the State as well as learned counsel appearing on behalf of the Informant, on the other hand, vehemently opposed the prayer for bail of the petitioner and submits that from perusal of the F.I.R. it appears that there is specific allegation against the petitioner that he has assaulted with iron rod to the deceased and postmortem report also supports the allegation as alleged in the F.I.R. and apart from the aforesaid, the petitioner carries two more cases other than the present one but fairly submits on the basis of paragraph-3 of the petition that the petitioner is on bail in both the cases.

6. Considering the aforesaid facts that there is direct allegation against the petitioner, I am not inclined to enlarge the petitioner on bail in connection with Ara Town P.S.



Case No. 02 of 2023 pending in the Court of Chief Judicial
Magistrate, Bhojpur at Ara.

7. Prayer is refused.

(Rajesh Kumar Verma, J)

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