

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48928 of 2022

Arising Out of PS. Case No.-265 Year-2021 Thana- VIJAYEPUR District- Gopalganj

Rajkumar Kharwar @ Bhakoli S/o Late Madan Kharwar R/o village- Koreya,
P.S.- Vijaipur, District- Gopalganj.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Pankaj Kumar Dubey, Adv.
For the Opposite Party/s	:	Mr. Surendra Kumar, APP.
For the Informant	:	Mr. Satyendra Rai, Adv.

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

4 22-02-2023 Let the defect(s), if any, be removed within two weeks
from today.

Heard learned counsel for the petitioner and learned
A.P.P. for the State as well as learned counsel for the informant.

The petitioner seeks regular bail in connection with
Vijaipur P.S. Case No. 265 of 2021, lodged under Sections 147,
148, 149, 341, 323, 324, 326, 307, 302 of the Indian Penal
Code.

As per prosecution case, there were 10 persons who
have been made accused in the present case. The specific
allegation against the present petitioner is to assault the
deceased by knife on his chest and back.

Learned counsel for the petitioner submits that
antecedent of petitioner is clean and he is in custody since
04.12.2021. He further submits that in paragraph no.4 of the



case diary, one of the witness who is alleged to be the eye witness has not named the present petitioner rather he has taken name of other accused persons, as such, there is a doubt in the prosecution story.

Learned counsel for the State opposes the prayer for bail.

Learned counsel for the informant vehemently opposes the prayer for bail and submits that the specific allegation of assault by knife on the chest of the deceased is there in the F.I.R. The said injury is fully supported by the inquest report as well as by the post-mortem report. He further submits that the cause of death is also caused due to the said injury. He also submits that charge has been framed and all witnesses have been examined and only I.O. and Doctor has to be examined.

In the present facts and circumstances of this case and the submissions made above, I am not inclined to grant bail to the petitioner, therefore, his bail application is hereby rejected.

(Dr. Anshuman, J.)

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