

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58065 of 2023

Arising Out of PS. Case No.-251 Year-2022 Thana- BENIPATTI District- Madhubani

BAIDNATH SADA S/O VILASH SADA R/O VILLAGE- CHANPUR PATTI
BASAITH MUSHAHARI TOLI, WARD NO. 15, PS. BENIPATTI, DIST.
MADHUBANI

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ashok Kumar

For the Opposite Party/s : Mr.Mohammed Arif

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

4 20-12-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner has prayed for bail in connection with Benipatti P.S. Case No. 251 of 2022 instituted for the offence under Sections 323, 324, 308, 504, 506 of the Indian Penal Code and Section 37 of the Bihar Prohibition and Excise Act and later on added section 302 of the IPC.

3. As per allegation in the FIR, the informant alleged that on dt. 27.9.2022, the petitioner came at her house in drunken condition and started abusing. When father-in-law namely, Baidyanath Sada of the deceased resisted him, the petitioner assaulted him by the cement brick on his mouth due to which he sustained injury. He was brought to hospital and



during course of treatment, informant's father-in-law died.

4. Learned counsel for the petitioner submits that the petitioner is innocent and committed no offence. The informant and petitioner are agnates and due to land dispute between the parties, he he has falsely been made an accused in this case. It is also submitted that the postmortem report is not in consonance with the prosecution. The petitioner has got no criminal antecedent as stated in para-3 of the bail petition and he is languishing in judicial custody since 28.9.2022.

5. Learned APP appearing for the state has opposed the prayer of regular bail and submitted that the petitioner is named in the FIR who has specifically been alleged to assault on the mouth of the deceased by cement bricks due to which he succumbed to injury. Postmortem report shows cause of death is due to heamorrhage & shock caused by hard and blunt objects. It is also submitted that the witnesses of this case have supported the prosecution case.

6. Having heard the learned counsel for the parties and considering the fact that there is direct allegation against the petitioner of assaulting, this court is not inclined to enlarge the petitioner on bail and, as such, his prayer for bail stands rejected.



7. 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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