

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53935 of 2023

Arising Out of PS. Case No.-123 Year-2022 Thana- PARBATTa District- Bhagalpur

Deepak Kumar Rai Son Of Binod Rai Resident Of Village- Japteli, Ps-
Parbatta, Distt- Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anuj Kumar

For the Opposite Party/s : Mr. Brajendra Nath Pandey

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 06-11-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner has prayed for bail in connection with Parbatta P.S. Case No. 123 of 2022 instituted for the offence under Sections 147, 148, 149, 341, 323, 307 of the Indian Penal Code and later on added section 302 of the I.P.C.

3. As per allegation in the FIR, while the informant was going on motorcycle, meanwhile the accused persons along with petitioner stopped him and started assaulting. Anyhow, the informant ran away from there and when he reached near the house of Shankar Sharma, caught him. When father of the informant came to save him, this petitioner assaulted him by means of shoker rod due to which his father sustained injuries and died during treatment.

4. Learned counsel for the petitioner submits that the



petitioner is innocent and committed no offence. He has falsely been implicated in this case. There is case and counter case, both parties have sustained injuries as alleged in separate occurrence. The petitioner has got no criminal antecedent as stated in para-3 of the bail petition and languishing in judicial custody since 22.11.2022.

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 the informants father by means of shoker rod due to which he succumbed to injuries. The postmortem report also corroborates the prosecution wherein, doctor opined cause of death is due to head and chest injuries. It is further submitted that the witnesses of this case have supported the prosecution.

6. Considering the fact that there is direct allegation against the petitioner, this court is not inclined to enlarge him 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 soon as possible.

(Sunil Kumar Panwar, J)

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