

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52928 of 2023

Arising Out of PS. Case No.-17 Year-2023 Thana- RAGHOPUR District- Supaul

Md Nikail @ Md. Mikail @ Md. Nikahil Son of Sobrati Resident of village -
Bengaipatti, Hulas, ward no. 05, P.S. - Raghobpur, Distt. - Supaul

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Amrit Abhijat

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

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 21-09-2023 Heard learned counsel for the petitioner, learned counsel
for the informant and learned APP for the State.

The petitioner has prayed for bail in connection with
Raghobpur P.S. case No. 17 of 2023 instituted for the offence under
Sections 302, 147, 148, 149, 341, 323 and 324 of the Indian Penal
Code.

As per allegation in the FIR, the petitioner along with
other accused persons having with axe, spade, khanti, lathi, danda
came and started abusing and assaulting to the father of the
informant indiscriminately as a result of which blood started
oozing out from his body and later on died.

Learned counsel for the petitioner submits that the
petitioner has falsely been implicated in the present case. There is
case and counter case between both the parties. General and



omnibus allegation has been levelled against the petitioner and other accused persons. It is further submitted petitioner is languishing in judicial custody since 14.01.2023.

Learned APP appearing for the state and learned counsel for the informant have vehemently opposed the prayer of regular bail and submitted that from perusal of F.I.R. as well as case diary, it appears that there is direct and specific overt act against this petitioner who assaulted the informant's father namely, Md. Ismile by means of spade due to which he died. Further, the postmortem report of the deceased corroborates the prosecution case in which doctor opined that the cause of death is cardio respiratory failure due to haemorrhagic and neurogenic shock caused by hard, heavy and blunt object. It is further submitted during investigation the witnesses of this case have also supported the prosecution case.

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

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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