

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58723 of 2023

Arising Out of PS. Case No.-102 Year-2022 Thana- MANSURCHAK District- Begusarai

Md. Tauhid @ Md. Firoz, Son Of Md. Shamim @ Nanhaki Village-
Gurdaspur, P.S- Mansoorchak, Dist- Begusarai

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Kumar Thakur, Adv.
Mrs. Vaishnavi Singh, Adv.

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

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

3 08-11-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks regular bail in connection with
Mansoorchak P.S. Case No. 102 of 2022, lodged on 23.11.2022
under Sections 302/34 of the Indian Penal Code.

3. As per the prosecution case, the FIR has been
lodged against 2 named accused persons against whom the
allegation is that when the son of the informant was playing in
the school campus then at about 3.30 pm, those two persons
started scuffling and returned with threat and subsequently, they
came back at about 6 pm and again started scuffling with the
son of the informant and his elder son was also present there and
in the meantime, the allegation against the petitioner is that he
had stabbed on the chest of the son of the informant with a



knife. Thereafter, informant reached to the hospital but his son died on the way.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence. He also submits that vide order dated 01.09.2023, the case diary and post-mortem report has been called for in this case. Counsel further submits that the said investigation is extremely defective as the FIR has been lodged at 23:25 'o' clock but the inquest has prepared at 20:20 'o' clock which is treated to be the defective investigation.

5. Learned counsel for the petitioner submits that from the post mortem report, the cause of death has been opined that the death occurred due to Haemorrhagic and Neurogenic shock as a result of injuries caused by heavy sharp cutting object. Counsel also submits that a knife cannot be treated as heavy sharp cutting object.

6. Learned counsel for the petitioner submits that the antecedent of the petitioner is clean and he is in custody since 29.11.2022 and the charge sheet has already been filed.

7. Learned APP for the State opposes the prayer for bail of the petitioner and submits that there is a direct allegation in the FIR against the petitioner that he has stabbed on the chest



of the son of the informant with a knife who died prior to his treatment. Counsel also submits that the said injury has fully supported by the post mortem report. Counsel for the State further submits that the contention of the counsel for petitioner that a knife cannot be treated as heavy sharp cutting object may not be accepted as it depends upon the size of the knife.

8. Learned APP for the State also submits that the discrepancies as pointed out in the FIR prima facie cannot deny the defect made in the case diary and cannot deny the allegation of the FIR for the purpose of bail and the benefit of those discrepancies can be made only at the time of trial.

9. In the present facts and circumstances, there is a direct allegation against the petitioner supported by the post mortem report and hence, this Court is not inclined to grant regular bail to the petitioner.

10. Accordingly, the prayer for regular bail of the petitioner in connection with Mansoorchak P.S. Case No. 102 of 2022, pending before the learned Additional Sessions Judge-III, Begusarai is hereby rejected.

(Dr. Anshuman, J.)

Divyansh/-

U		T	
---	--	---	--

