

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56431 of 2022**

Arising Out of PS. Case No.-132 Year-2022 Thana- BASANTPUR District- Siwan

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AMITESH KUMAR @ SIKARI Son of Yogendera Singh R/V- Basawan P.S-
Basantpur, Dist- Siwan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Harsh Anuj, Adv.

For the Opposite Party/s : Mr.Anita Kumari, APP

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**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER**

5 17-03-2023 Heard learned counsel for the petitioner and learned
counsel for the informant as well as learned A.P.P. for the State.

The petitioner seeks bail in a case registered for the
offence under Sections 302, 307, 341, 323, 504/34 of the Indian
Penal Code.

The petitioner along with other co-accused are alleged
to have assaulted the informant and his family members. It is
specifically alleged that the petitioner inflicted Dab on the head
of elder brother of the informant as a result of which he
sustained grievous injury and died.

Learned counsel appearing for the petitioner submits
that the petitioner is innocent and has falsely been implicated in
this case. He further submits that it appears from the F.I.R. that
the petitioner gave dab blow upon the head of the brother of the



informant causing his death. He further submits that both the parties happen to be gotias and there was free fight between the parties in which both sides have got injured. He further submits that there was no intention to kille the brother of the informant. The petitioner is rotting in judicial custody since 31.03.2022.

Learned A.P.P. for the State as well as learned counsel for the informant vehemently opposed the prayer for bail of the petitioner and submits that there is direct allegation of inflicting dab blow over the head of the brother of the informant causing his death and this fact has been supported by several witnesses whose statements have been recorded at paragraphs 7, 8, 9 of the case diary. The postmortem report also corroborates with the allegation leveled in the F.I.R. against the petitioner.

Considering the facts and circumstances of the case and also the direct allegation of assault against the petitioner, this Court is not inclined to enlarge the petitioner on bail. Accordingly, the prayer for bail of this petitioner is rejected.

(Rajesh Kumar Verma, J)

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