

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70761 of 2023

Arising Out of PS. Case No.-113 Year-2023 Thana- SAKRI District- Madhubani

Devendra Jha @ Lallan Jha Son Of Tarakant Jha R/O Vill - Gandhwar, P.S. - Sakri, Distt. - Madhubani

... .. Petitioner/S

Versus

The State Of Bihar Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Vaishnavi Singh, Adv.
For the Opposite Party/s	:	Mr. Syed Mojibur Rahman, APP
For the Informant/s	:	Mr. Sarvendra Kumar Verma, Adv.
	:	Mr. Jaivardhan Narayan, Adv.

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 09-11-2023 Heard learned counsel for the petitioner and learned

A.P.P. for the State and counsel for the informant.

2. The petitioner seeks regular bail in connection with Sakri P.S. Case No. 113 of 2023 lodged under Sections 341, 504, 323, 307 of the I.P.C. and subsequently, Section 302 of the I.P.C. was also added.

3. As per the prosecution case, the F.I.R. has been lodged against the petitioner with allegation that the petitioner has attacked by iron rod on the brother of the informant due to which bleeding started and when the informant reached there then, the informant has also been attacked by the iron rod (khanti).

4. Counsel for the petitioner submits that petitioner is



in custody since 04.07.2023 having clean antecedent. He submits that the allegation made in the F.I.R. is not correct as in the rejection order, it has been observed that in the post-mortem report, only 2 external injuries are there and 7 internal injuries have been found.

5. Counsel further submits that the dispute has been caused on a petty issue i.e., opening of door on the side of the informant.

6. Learned counsel for the State opposes the prayer for bail and submits that there is direct allegation in the F.I.R. to cause injury to the informant and his brother.

7. Learned counsel for the informant vehemently opposes the prayer for bail and submits that in the F.I.R., there is direct allegation of causing injury on the head by the iron rod which resulted into death of the deceased. He further submits that the age of deceased was about 78 years and it is basically a heinous act which has been done by the accused (petitioner).

8. Upon specific query whether charge has been framed or not. Counsel submits that as per his knowledge, charge has not been framed till date.

9. In the present facts and circumstances of this case and the submissions made above, this Court is not inclined to



grant bail to the petitioner. Therefore, the bail application of the petitioner is hereby rejected.

10. However, liberty is hereby granted to the petitioner that he may renew his prayer for bail after framing of charge.

(Dr. Anshuman, J.)

Prakashmani/-

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