

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69738 of 2022

Arising Out of PS. Case No.-185 Year-2022 Thana- BUXAR MUFFSIL District- Buxar

1. Vijay Singh Son of Abhay Singh.
2. Akshay Singh son of Shri Ram Singh
Both Resident of Village- Karma, P.S.- Dhansoi, District- Buxar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Vaishnavi Singh, Advocate
For the Informant	:	Mr. Satyapal Singh, Advocate
For the Opposite Party/s	:	Mr.Dr. Ajeet Kumar, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 21-03-2023 Heard learned counsel for the petitioners, learned
counsel for the informant and learned APP for the State.

Petitioners seek regular bail in connection with Buxar
Muffasil P.S. Case No. 185 of 2022 registered for the offences
punishable under Sections 341, 323, 307, 34 and later added
Section 302 of the IPC.

As per the prosecution, the informant alleged that
these petitioners along with co-accused persons were involved
in assaulting the victim. Further, it is alleged that petitioner no.1
assaulted the victim by means of iron rod and petitioner no.2
tried to strangle him.

The main submissions advanced by the learned
counsel for the petitioners are that the death of the victim took



place one and a half month after the commission of alleged occurrence, the statement of the deceased (victim) was not recorded when he was alive and remained under treatment for about one and a half month and as per the prosecution the alleged incident took place in the night and informant claimed to have identified the accused persons but no source of identification has been revealed and as per the medical opinion the cause of death has been opined as 'coma' as a result of head injury contributed by septicemia shock due to infection in lungs. Further submissions are that the informant is not an eye-witness and during investigation he made different versions, the FIR is antedated and both the petitioners have been languishing in jail since 11.07.2022.

Learned counsel appearing for the informant has vehemently opposed the bail prayer and submitted that there is specific allegation against the petitioners in the FIR and as per the postmortem report five injuries were found on the body of the deceased and the allegations attributed against both the petitioners get corroboration from the nature of injuries on the body of the deceased and the informant's house is near the place of occurrence.

Heard both the sides and perused the FIR. There is



specific allegation against both the petitioners and the instant matter relates to murder and as per the allegation Vijay Singh (petitioner no.1) assaulted the victim by means of rod and Akshay Singh (petitioner no.2) pressed the neck of the victim at the time of commission of alleged occurrence and learned counsel for the informant submits that at the neck of the victim injury was found and altogether five injuries were found on his body as per his submission. Considering the seriousness of occurrence and specific allegation appearing against both the petitioners, this court is not inclined to accept their bail prayer for the present. Accordingly, their bail prayer stands rejected.

(Shailendra Singh, J)

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