

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74858 of 2022

Arising Out of PS. Case No.-171 Year-2020 Thana- RAJAOLI District- Nawada

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Laxman Rajbanshi Son Of Ramotar Rajbanshi R/O Village- Garhpar, Rajauli,
P.S.- Rajauli, District- Nawadah Petitioner/s

Versus

The State of Bihar Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Arun Kumar

For the Opposite Party/s : Mr.Rajendra Nath Jha

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CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

4 22-08-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner has prayed for bail in a case
instituted for the offence under Sections 147, 148, 149, 341,
323, 302 of the Indian Penal Code.

3. As per allegation in the FIR, while brother of the
informant, namely, Shivam Kumar (deceased) went to his
agricultural field with his two friends, eight FIR named accused
persons including the petitioner surrounded and assaulted them.
Specific allegation against the petitioner is that he assaulted the
deceased by means of tangi over his head as a result of which he
fell down and thereafter others assaulted him by means of lathi,
danda, iron rod. During course of treatment, Shivam Kumar,
brother of the informant succumbed to injuries at Pawapuri
Medical College and Hospital.



4. It is submitted by learned counsel for the petitioner that petitioner has been falsely implicated in this case. General and omnibus allegation of assault is levelled against the petitioner. He has got no criminal antecedent and languishing in judicial custody since 9.9.2021.

5. The application for bail is opposed by learned APP for the State and learned counsel for the informant and submitted that there is direct allegation of inflicting tangi blow over the head of the deceased. Postmortem report supports the prosecution story as deceased has received injury over left occipital region of head caused by sharp and heavy object. During investigation, several witnesses have supported the prosecution story.

6. Having heard the learned counsel for the parties and considering the nature of allegation, this court is not inclined to enlarge the petitioner on bail and, as such, his prayer for bail stands rejected.

7. The trial court is directed to expedite and conclude the trial at the earliest.

(Sunil Kumar Panwar, J)

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