

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.75420 of 2022

Arising Out of PS. Case No.-156 Year-2022 Thana- ALAMNAGAR District- Madhepura

Nitesh Kumar Mehta Son Of Sri Kailash Mehta Resident Of Village -
Bhogipur, P.S.- Alamnagar, District - Madhepura (Bihar)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Anant Kumar 1
For the Opposite Party/s : Mr.Md. Mushtaque Alam

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 27-04-2023 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner has prayed for regular bail in a case registered for the offence punishable under sections 341, 323, 324, 307, 354, 504 read with 34 of the IPC and later on Section 302 was also added.

As per prosecution case, it is alleged that on 16.06.2022, a panchayati held between the parties for passage (Rasta) after that petitioner along with co-accused persons armed with various weapons came at the place of occurrence and started assaulting the informant and his family members. During course of this incident, petitioner assaulted the



informant by means of iron *Khanti* due to which he sustained injury on his head and later on he died during course of treatment. It is further alleged that other co-accused persons have also assaulted them.

Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence. He has falsely been implicated in this case due to dirty village politics. A statement has been made in para-3 of the petition that the petitioner has got no criminal antecedent. It is further submitted that the petitioner is languishing in judicial custody since 27.08.2022.

Learned APP appearing for the state has vehemently opposed the prayer of regular bail and submitted that there is direct allegation against the petitioner of assaulting to the informant by means of iron rod due to which later on he succumbed to injury. From perusal of postmortem report of the deceased which shows fracture of right and left pertain bone and cause of death was traumatic brain injury caused by hard and blunt substance, which also corroborates the prosecution version. It is further submitted that prosecution witnesses also supported the prosecution case.

Having heard the learned counsel for the parties and



considering the fact that there is direct allegation against the petitioner, this court is not inclined to enlarge the petitioner on bail and, as such, his prayer for bail stands rejected.

The trial Court is directed to expedite the trial and conclude the same as soon as possible.

(Sunil Kumar Panwar, J)

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