

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1194 of 2023

Arising Out of PS. Case No.-686 Year-2018 Thana- BIHTA District- Patna

PINTU BHAGAT @ PINTOO BHAGAT S/o Kameshwar Bhagat R/o -
Laxmanpur,. P.S.- Bihta, Distt- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ghanshyam Tiwary, Advocate

For the Opposite Party/s : Mr.Dashrath Mehta, A.P.P.

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 11-01-2023 Heard the learned counsel for the
petitioner and the learned A.P.P. for the State.

The present petition is by way of fourth attempt at the behest of the petitioner for grant of bail in connection with Bihta P.S. Case No. 686 of 2018 for the offence registered under Sections 302/34 of the Indian Penal Code inasmuch as all the earlier petitions filed by the petitioner for grant of bail have stood rejected by this Court.

The case of the prosecution in brief is that the brother of the informant, namely, Gopal Prasad had gone to the house of one Gorakh Prasad who had called the brother of the informant for giving



treatment in his house. Subsequently, when the brother of the informant reached his house, the accused persons including the petitioner herein attacked the brother of the informant with iron rod, lathi, danda in a very planned manner. The allegation against the petitioner is assaulting the brother of the informant with iron rod on the head which resulted in grievous injury and led to his subsequent death.

The learned counsel for the petitioner has submitted that the petitioner is innocent, he has been falsely implicated in the present case and he is languishing in custody since 17.07.2018, however, the trial is not likely to be concluded in the near future, hence the petitioner be granted the privilege of bail.

Per contra, the learned counsel for the State has vehemently opposed the prayer for bail and has submitted that all the witnesses named in the charge sheet, except the official witnesses i.e. the Doctor and the Investigating Officer, have already been examined in the on going trial and



the trial is likely to be concluded in a few months, hence no sympathy should be shown to the petitioner who has killed the deceased brother of the informant.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the petitioner and taking into account the materials available on record, this Court finds that specific allegation has been levelled against the petitioner of assaulting the brother of the informant on the head by an iron rod, which has resulted in his death and the same also stands corroborated by the medical evidence, apart from the fact that there is no change in circumstance so as to warrant re-consideration of the prayer of the petitioner for grant of bail, thus the present petition stands dismissed.

(Mohit Kumar Shah, J)

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