

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26317 of 2024

Arising Out of PS. Case No.-148 Year-2022 Thana- PALASI District- Araria

Chhotu Mallik @ Chhotu Harijan @ Chhotu Kr Harijan S/o Sattan Mallik @
Sattan Harijan R/o vill - Rayta Tola - Bhebhara, Mangalpur, Bishanpur, P.S. -
Rauta (Amaur), Distt - Purnia, Pin 854315, Bihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Nishant Kumar Sinha, Advocate

For the Opposite Party/s : Mr. Madhuri Lata, APP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 03-05-2024

Heard learned counsel for the parties.

2. The petitioner seeks regular bail in registered for the offences punishable under sections 302 , 34 and other allied sections of the Indian Penal Code.

3 . As per the prosecution case , on the alleged date and time of occurrence , this petitioner along with other co-accused persons took away the deceased some distance by dragging and holding her neck and committed murder of the deceased and also took his granddaughter with them.

4. It is submitted on behalf of the petitioner that due to family dispute this petitioner has falsely been implicated in this case . Allegation against this petitioner is general and omnibus. No specific overt act has been alleged against him.



Petitioner is in custody since 06.12.2023 .

5 . Learned counsel for the state opposes the prayer for bail and submits that there is a direct and specific allegation against the petitioner that he, along with other co-accused persons, committed the murder of the deceased by strangulation. From a bare perusal of the case diary and postmortem report, it is apparent from paragraphs 2 and 14 that the cause of death of the deceased, as opined by the doctor, is due to asphyxia as a result of strangulation, and witnesses have also supported the prosecution case .

6. Considering the nature of accusation and other circumstances of the case , prayer for bail of the petitioner is rejected.

(Prabhat Kumar Singh, J)

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