

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24725 of 2024

Arising Out of PS. Case No.-595 Year-2022 Thana- BAHERA District- Darbhanga

Md. Sohrab @ Md. Shorab @ Md. Sorab @ Md. Saraf S/O Barik @ Md. Barik @ Abdul Barik Sheikh R/O Village - Badarbanna Police Station - Bahera, District - Darbhanga.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr. Ashok Kumar Prasad, Advocate
For the Opposite Party/s :	Mr. Jitendra Kumar Singh, APP
For the Informant :	Mr. Pankaj Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

4 30-08-2024 Heard Mr. Ashok Kumar Prasad, learned counsel for the petitioner and Mr. Pankaj Kumar learned counsel appearing for the informant as also Mr. Jitendra Kumar Singh learned APP for the State.

2. The petitioner is in judicial custody in connection with Bahera P.S. Case No. 595 of 2022 for the offence punishable under Sections 341, 323, 307, 379, 147, 148, 149, and 427 of Indian Penal Code and later on offence under Section 302 of the Indian Penal Code lodged on 18.11.2022 by the informant, Md. Samiullah.

3. The prosecution story shows that the informant (now deceased) was brutally assaulted by accused persons and so far as the petitioner is concerned, allegation is of assaulting



on his head.

4. This is the second attempt of the petitioner, earlier he moved in Criminal Miscellaneous No.31469 of 2023 which came to be rejected on 23.08.2024 (Annexure-1 to the petition).

5. Learned counsel for the petitioner submits that there is general and omnibus allegation against the petitioner and further, the Post Mortem Report does not match with the assault theory put forward by the informant.

6. Learned counsel for the informant on the other hand submits that allegation is grave against the petitioner as also the other co-accused persons, none of them have been extended bail by any of the Court, the individual accused persons have separated their trial which is moving forward. The informant undertakes that all the witnesses shall be diligently appearing in the trial without fail. The last submission is that the case of accused Rahat Afja has been rejected by a coordinate Bench today itself in Criminal Miscellaneous No. 46752 of 2024.

7. Considering the nature of allegation as also the fact that he has criminal antecedent, allegation against him is of assaulting on the head which was the reason of death, in this case also it would be appropriate that he faces the trial



particularly in the background of the fact that the learned counsel for the informant has given an undertaking that there will not be any delay on his part.

8. With the above direction, this bail application is hereby rejected.

(Rajiv Roy, J)

Ravi/Ankit/-

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