

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24896 of 2024

Arising Out of PS. Case No.-251 Year-2021 Thana- ALAMGANJ District- Patna

Banti @ Abid @ Md. Abid Son of Md. Nasim Resident of Mohalla- Pirbaish
Agrawal Tola, Police Station- Alamganj, District.- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. B.N.Srivastave, Advocate Mr. Deovind Kumar, Advocate Mr. Utpal Kant, Advocate Mr. Dharmesh Kumar Chaubey, Advocate
For the Opposite Party/s :		Mr. Nirmal Kumar Sinha, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 28-06-2024 1. Heard learned counsel for the petitioner and the
learned APP for the State.

2. Petitioner seeks regular bail in connection with
S.T. Case No. 191 of 2023, arising out of Alamganj P.S. Case
No. 251 of 2021, dated 22.04.2021 registered for the offence(s)
punishable under Section(s) 302/34 of the Indian Penal Code.

3. This is second attempt of the petitioner for the
relief of regular bail after his earlier attempt for the said relief
was rejected by this court vide order dated 18.07.2022 passed in
Cr. Misc. No. 19629 of 2022 preferred by this petitioner.

As per allegation, an incident of Marpit took place in
between the petitioner, co-accused and informant's son and



being infuriated co-accused Baby Parveen who happens to be mother of the petitioner, gave a knife to the petitioner and asked him to kill the deceased and thereafter petitioner stabbed informant's son and consequently, informant's son died during course of medical treatment

4. The main submissions advanced by learned counsel for the petitioner are that this is second attempt of the petitioner to get the relief of bail and there is also counter case lodged on the behalf of the petitioner's side against the prosecution party and two persons from petitioner's side sustained injury and as per allegation, the petitioner caused knife injury to the deceased but the occurrence is said to have taken place in the spur of moment on account of the dispute having arisen due to construction work over the disputed land and as per allegation the petitioner's mother gave a knife to the petitioner when the alleged occurrence was being committed which shows that the petitioner did not assault the victim after pre-meditation and the alleged act of the petitioner falls under the offence of 304 of the IPC. Further submission is that the petitioner has been languishing in jail since 06.06.2021.

5. Learned APP appearing for the State has opposed the bail prayer of the petitioner.



6. Heard both the sides and perused the FIR and other relevant materials. The petitioner’s earlier bail prayer was rejected on merit vide order dated 18.07.2022 passed by this court in Cr. Misc. No. 19629 of 2022. The fresh grounds taken by the petitioner, as discussed above, do not persuade this court to take a different approach in respect of the petitioner’s bail prayer, accordingly, the prayer of the petitioner again stands rejected.

(Shailendra Singh, J)

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