

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28214 of 2024

Arising Out of PS. Case No.-182 Year-2023 Thana- PASRAHA District- Khagaria

Mahendra Singh son of Late Kokai Singh Village- Mahaddipur PS- Pasraha
Distt- Khagaria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Amar Kumar Singh, Advocate

For the Opposite Party/s : Mr. Arun Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

3 10-07-2024 Heard learned counsel for the petitioner, learned
counsel for the informant and learned Additional Public
Prosecutor for the State.

2. The petitioner seeks regular bail in connection with
Sessions Trial No.70 of 2024, arising out of Pasraha P.S. Case
No. 182 of 2023, lodged on 08.07.2023, under Sections
302/342/323/34/120B of the Indian Penal Code.

3. As per the prosecution, there are thirteen named
accused persons in the FIR against whom there is allegation that
they had surrounded the informant's mother and brutally
assaulted due to which she died on the spot. The cause of
dispute assigned in the FIR that the informant's father and uncle
were also murdered by the same accused persons along with
others for which another Pasraha P.S. Case No.39 of 2014 was



lodged.

4. Learned counsel for the petitioner submits that petitioner is innocent and has committed no offence. Counsel submits that the petitioner is an old aged person of about 76 years. He submits that from the bare reading of the FIR, it transpires that he is merely order giver. There is no act and overt-act upon him. He submits that there is one criminal case pending against him, in which he is on bail. Counsel submits that in the present case petitioner is in custody since 10.07.2023. He is ready to fulfill all the conditions whatsoever imposed by the Court.

5. Learned counsel for the State opposes the prayer for bail and submits that the petitioner appears to be the habitual offender. He is a convicted person of murder case and again in the present case allegation of murder is there.

6. Learned counsel for the informant vehemently opposes the prayer for bail of the present petitioner. He submits that the present petitioner along with others have killed three family members of the informant and if he shall be released definitely he shall be kill other members. He submits that in the FIR everything has been narrated. He also submits that in the earlier criminal case in which the informant's father and uncle



were murdered. The petitioner was convicted but in the Criminal Appeal by the order of this Hon'ble Court dated 03.08.2022 passed in Cr. Appeal (DB) No.1446 of 2019, the petitioner was released on bail and after releasing on bail he has committed the present offence in which the informant's mother was killed. He submits that mother of the informant was killed only due to the reason that she was contesting the case and petitioner and others used to put pressure to compromise for which informant's mother was not ready.

7. It transpires to this Court that the action of the petitioner is brutal even if he is aged about 76 years.

8. In this background, this Court is not inclined to grant bail to the petitioner. Hence, the prayer for bail of the petitioner is hereby rejected.

(Dr. Anshuman, J)

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