

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50238 of 2024

Arising Out of PS. Case No.-215 Year-2023 Thana- CHAUSA District- Madhepura

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Anil Sah S/o Jaihind Sah R/o Village-Kakasan, P.S.- Chausa, district-Madhepura

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Rajnish Kumar Singh, Adv.

For the Opposite Party/s : Mr.Anant Kumar 1, APP

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CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL ORDER

3 21-09-2024 Heard learned counsel for the petitioner and learned APP for the State. Perused the case diary.

2. The petitioner seeks bail in connection with Sessions Trial No. 463 of 2023 arising out of Chausa P.S. Case No. 215 of 2023 instituted for the offences under Section 147, 148, 149, 341, 323, 307, 302 of the Indian Penal Code.

3. As per prosecution case, the accusation has been made against the accused persons including the petitioner that they variously armed with *lathi-danda* and other weapons came at the place of occurrence and brutally assaulted the Informant and Informant's wife causing serious injury on their bodies. On alarm, the local people assembled there and the accused persons fled away. On getting information, the police came and carried



both of them to Government Hospital, Chausa and, thereafter, both were referred to Bhagalpur for better treatment but, in course of treatment, the Informant's wife died.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence as alleged against him and has falsely been implicated in the present case. The petitioner is the son of the Informant/deceased and there is an admitted land dispute between the parties. He further submits that nothing incriminating has been recovered from the conscious possession of the petitioner. There is no direct or specific allegation of any overt act against the petitioner rather the same is general and omnibus in nature. The occurrence took place on 28.07.2023 at about 01.00 PM but, the *fardbeyan* was recorded on 29.07.2023 at about 02.15 PM and the F.I.R. was registered on the same day whereas the police visited the place of occurrence just after the occurrence i.e. on 28.07.2023 at about 01.00 PM which gives different impression and creates doubt in the prosecution case. The ocular testimony absolutely conflicts with the medical evidence. The injury sustained by the Informant is simple in nature which itself reflects from his injury report. The injury report of the deceased also shows that the injuries were over the non-vital parts and the injuries do not



reflect that any person would die due to this injury as also is dangerous to life in ordinary course of nature and the findings of the doctor is absolutely contrary to the law. There is not an iota of evidence in the entire records which suggests the petitioner being involved in the alleged occurrence. The petitioner has no criminal antecedent and is languishing in judicial custody since 30.07.2023 without any rhymes or reason. The charge-sheet has been submitted in this case and the case has also been committed for session and the charges have also been framed by the court below.

5. On the other hand, learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner, stating that the Informant in the re-statement has fully corroborated the version of the written report. The witnesses in Para- 6 & 7 of the case diary have also supported the prosecution case. The inquest report as well as the postmortem report also supports the prosecution case. The I.O. after investigating has also submitted charge-sheet against the petitioner finding the case true under Sections 341, 323, 307, 302, 34 of the I.P.C. The allegation against the petitioner is serious in nature and, thus, he does not deserve bail.

6. Considering the entire facts and circumstances of



the case as also taking into account the nature and gravity of the offence, this Court is not inclined to grant bail to the petitioner.

7. Accordingly, the prayer for bail of the petitioner, above named, is rejected with a direction to the court below to expedite the trial.

8. If the trial is not concluded within the period of nine months from today, the petitioner will be at liberty to renew his prayer for bail before the court below which will be disposed of on its own merit without being prejudiced by this order.

(Rudra Prakash Mishra, J)

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