

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53507 of 2024

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

Bhukho Singh @ Bhukhan Singh Son Of Late Kulo Singh Village-
Mahadipur, P.S.- Pasraha, Distt.- Khagaria (BIHAR)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Subodh Kumar, Adv.

For the Opposite Party/s : Mr. Satya Nand Shukla, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

4 04-10-2024 Heard Learned Counsel for the petitioner and Learned
A.P.P. for the State.

2. The petitioner seeks regular bail in connection with Pasraha P.S. Case No. 182 of 2023 dated 08.07.2023, lodged under Sections 302, 342, 323, 34, 120(B) of the Indian Penal Code pending before the Court of A.D.J.-VII, Khagaria.

3. As per the prosecution, FIR has been lodged against 13 named accused persons including the present petitioner against whom there is an allegation that they have surrounded the informant and his family members and attacked on informant's mother by knife and axe due to which informant's mother was severely injured and died on the spot.

4. Learned Counsel for the petitioner submits that petitioner is innocent and has committed no offence. Counsel



submits that from the bare perusal of the FIR, it transpires that the petitioner is alleged to be the member of mob only and there is no allegation of act or overt act against him. Counsel further submits that the criminal antecedent of the petitioner is not clean as there is one criminal case pending against him which was concluded and resulted into conviction along with 11 other persons under Sections 302, 149, 147, 34 of the IPC against which, Cr. Appeal is pending before this Hon'ble Court and petitioner was granted bail on 03.08.2022. The petitioner is in custody since 20.09.2023 and ready to fulfill all the conditions whatsoever shall be imposed upon him.

5. Learned Counsel for the petitioner further submits that other co-accused persons have been granted bail by this Court *vide* order dated 07.02.2024 passed in Cr. Misc. No.5405 of 2024 as well as by the Co-ordinate Bench of this Court *vide* order dated 18.01.2024 passed in Cr. Misc. No.1402 of 2024. Counsel further submits that the petitioner has falsely been implicated in this case.

6. Learned APP for the State opposes the prayer for bail of the petitioner and submits that petitioner has already been convicted under section 302 of the IPC and again in the present case, allegation against the petitioner is of section 302



IPC and this aspect may not be ignored.

7. In the present facts and circumstances, this Court is not inclined to grant regular bail to the petitioner. Accordingly, the prayer for regular bail of the petitioner is hereby rejected with liberty to the petitioner that he may renew his prayer for bail four months after framing of charge.

(Dr. Anshuman, J)

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