

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51564 of 2024**

Arising Out of PS. Case No.-202 Year-2024 Thana- CHANDI District- Nalanda

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Jainendra Kumar @ Jay Nendra Kumar Son Of Late Devlal Mahto Village-
Herpur, Ps- Chandi, Dist- Nalanda

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ajit Kumar Sinha, Adv.
For the Opposite Party/s : Mr. Shailendra Kumar, APP

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**CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR
PANDEY**

ORAL ORDER

3 26-10-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner has prayed for bail in a case instituted
for the offence under Sections 341, 323, 307, 379, 504 and 34 of
the Indian Penal Code and later on Section 302 of the IPC was
added.

3. The allegation against the petitioner along with others
is of assaulting the brother of the informant and they threw him
into fire, due to which he sustained burn injury and died during
course of treatment.

4. It is submitted by learned counsel for the petitioner



that petitioner has been falsely implicated in this case. He has committed no offence. He submitted that there is no explanation of delay of three days in lodging of the F.I.R. He further submitted that there is allegation that the deceased was burnt to death but his death was not occurred in hospital rather he died in his house after one month of the alleged occurrence. It is next submitted that no any burnt article was found from the place of occurrence, which has come in para-5 of the case diary. The petitioner is languishing in judicial custody since 16.04.2024.

5. Learned APP for the State has opposed the application for bail and submitted that petitioner is named in the F.I.R. He submitted that the petitioner and other named accused persons threw the deceased into burning straw, due to which he suffered serious injuries and he was treated in the hospital, it was the reason for delay in lodging of the F.I.R. He further submitted that in para-19 of the case diary, the statement of the deceased has been recorded prior to his death in which he has fully corroborated the prosecution case. It is next submitted that the postmortem report also corroborates the prosecution case as the mark of burn was found on the person of the deceased. During investigation, several witnesses have also supported the prosecution case.

6. Having heard the learned counsel for the parties and considering the seriousness of the case, this Court is not inclined



to enlarge the petitioner on bail and, as such, his prayer for bail stands **rejected**.

(Nawneet Kumar Pandey, J)

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