

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54707 of 2024

Arising Out of PS. Case No.-477 Year-2023 Thana- GOPALPUR District- Bhagalpur

Monu Kumar, Son of Narsingh Mahaldar, Resident of Village- Bhimdas Tola,
Tintenga, P.S.- Rangra, (Gopalpur), Distt.- Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rajesh Kumar, Advocate

For the Opposite Party/s : Mr.Kumar Veerendra Narayan, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

4 04-10-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. In the present case, the petitioner seeks bail in connection with Gopalpur (Rangra OP) P.S. Case No. 477 of 2023, registered for the alleged offences under Sections 147, 149, 341, 342, 447, 302 and 504 of the Indian Penal Code.

3. As per the prosecution case, the son of the informant was assaulted by the petitioner with a bamboo when after some altercation, the co-accused started abusing the informant and the son of the informant intervened. The son of the informant succumbed to his injuries while undergoing treatment.

4. The learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this



case. The petitioner and the informant side are agnates and next door neighbours. From the FIR, it is clear that the altercation took place over extension of balcony on the land of the informant and it shows the background of land dispute. The occurrence took place on 28.09.2023, but the FIR has been lodged on 01.10.2023. The learned counsel further submits that the petitioner is aged about 19 years and he is college going student. The learned counsel further submits that in the post mortem report, no external injury has been found though the allegation against the petitioner is that he hit the deceased with a bamboo. The petitioner is in custody since 06.10.2023 and is having clean antecedent.

5. Learned APP vehemently opposes the submission made on behalf of the petitioner. The learned APP submits that there is allegation against the petitioner that he struck on the head of the son of the informant, who succumbed to his injuries. The learned APP further submits that the death occurred due to intracranial haemorrhage and shock and the post mortem report shows muscles and tissues of scalp on right side was contused and infiltrated with blood and blood clots. External injury was present over body and body surface. Blood and blood clots were present over both nostrils.



6. Having regard to the nature of allegation against the petitioner, I am not inclined to enlarge the petitioner on bail.
7. Accordingly, his prayer for bail is rejected.
8. However, learned trial court is directed to expedite the trial and conclude the same at the earliest.

V.K.Pandey/-

(Arun Kumar Jha, J)

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