

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58441 of 2024

Arising Out of PS. Case No.-125 Year-2023 Thana- DHAMDAHA District- Purnia

1. Ajeet Kumar Son of Late Naresh Ghatwar R/O Dhudhibhita, Kuwari, P.s.- Dhamdaha, Dist.- Purnea.
2. Sujeet Kumar Son of Late Naresh Ghatwar R/O Dhudhibhita, Kuwari, P.s.- Dhamdaha, Dist.- Purnea.
3. Amit Kumar Son of Late Naresh Ghatwar R/O Dhudhibhita, Kuwari, P.s.- Dhamdaha, Dist.- Purnea.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Md Fazle Karim, Advocate
For the Opposite Party/s : Mr. Ashok Kumar Singh, APP

**CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND
MALVIYA**

ORAL ORDER

4 22-11-2024 Heard learned counsel for the petitioner and

learned APP for the State.

2. The petitioner is in custody in connection with Sessions Trial No. 426 of 2023 arising out of Dhamdaha P.S Case No. 125 of 2023 from the Court of learned Sessions Judge, Purnea registered for the offences punishable under Sections 341, 323, 307, 302, 448, 504, 506 and 34 of the Indian Penal Code.

3. As per allegation in the FIR, is that accused/petitioner Tubli Devi is *gotia* of the Informant.



Six months ago, brother of the Informant Moti solemnized love marriage with the daughter of co-accused Tubli Devi, namely, Chandni Kumari six months ago due to which, Most. Tubli Devi had lodged Dhamdaha P.S. Case No.254 of 2022. On 12.6.2023, husband of the informant had gone to the house of said co-accused to settle the said dispute then Tubli Devi made protest and started abusing and denied to settle the said dispute. Thereafter, husband of the informant came back to his house. In the evening when husband of the informant was taking meal then co-accused Tubli Devi and her three sons, namely. Ajit Kumar, Sujit Kumar @ Munna and Amit Kumar (petitioners) came and entered into the house of the informant Yashoda Devi and they in furtherance of their common intention of all started assaulting the husband of the informant by lathi-danda due to which husband of informant, namely, Late Malechha Ghatwar sustained bleeding injury on his head. When informant went there and requested to leave her husband and also tried to save her husband the all



the accused persons also assaulted her. It is alleged that all the accused persons including these petitioners in furtherance of their common intention of all assaulted the husband of the informant and committed his murder by assaulting and fled away from there.

4. Learned counsel for the petitioner submits that petitioner has falsely been implicated in this case. It is also submitted that petitioner is in judicial custody since 16.06.2023 and petitioner has got no criminal antecedent as stated in para 3 of the bail petition.

5. However, learned APP for the State oppose the prayer for regular bail of the petitioner.

6. On perusal of the FIR, Case diary, postmortem report and impugned order dated 16.01.2024 it appears that, petitioner is named in FIR and there is specific allegation against the petitioner. Witness has also supported the prosecution case. From postmortem report it appears that cause of death is due to head injury.

7. Considering the aforesaid facts and



circumstances of the case this Court is not inclined to grant bail to the petitioner. Hence, prayer for regular bail of the petitioner is hereby rejected.

(Ramesh Chand Malviya, J)

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