

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61055 of 2024

Arising Out of PS. Case No.-329 Year-2022 Thana- PARSABAZAR District- Patna

Sagar Kumar Son of Late Devendra Singh @ Late Devendra Kumar Singh @
late Devendra Kumar Resident of Suiya @ Suitha near Devi Mandir, P.S.-
Parsa Bazar, District-Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sushil Kumar Jha, Adv.
For the Opposite Party/s : Mr.Rajendra Singh, APP

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

3 14-11-2024 Heard learned counsel for the petitioner and learned
APP for the State. Perused the case diary.

2. The petitioner seeks bail in connection with S.T. No.
619 of 2023 arising out of Parsa Bazar P.S. Case No. 329 of
2022 instituted for the offences under Sections 341, 323, 504
and 302 of the Indian Penal Code being PTN No.
BRPA02P050302022.

3. As per prosecution case, the accusation against the
petitioner is of assaulting by *lathi* on the head of his father due
to which he sustained severe head injury as a result of which he
fell unconscious. It is alleged that the petitioner again hit him by
brick on his head resulting in his death.

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 deceased and brother of the Informant. The petitioner is mentally ill person and has been under treatment. He has also been treated at Central Institute of Psychiatry, Government of India, Kanke and also at PMCH as well as AIIMS, Patna. He further submits that as a matter of fact, due to mental illness, the petitioner got infuriated, angry and aggressive causing the alleged occurrence and there was no intention to kill the deceased. The petitioner has no criminal antecedent and is languishing in judicial custody since 23.07.2022 without any rhymes or reason. After investigation, the Investigating Officer has submitted charge-sheet against the petitioner under Sections 341, 323, 504 and 302 of the I.P.C. whereafter cognizance was taken 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 petitioner is named in the F.I.R. and there is specific and direct allegation of assault against the petitioner and, hence, he does not deserve bail.

6. From perusal of the case diary as well as the First Information Report, it appears that there is a direct allegation of



assault against the petitioner of assaulting the deceased by means of *lathi* due to which the deceased sustained grievous injury over his head and succumbed to his injury.

7. Having heard rival contention of both the parties and considering the nature of allegation and gravity of the offence as also there being direct allegation of assault against the petitioner, this Court is not inclined to grant bail to the petitioner.

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

9. The District Magistrate, Patna and the Superintendent of Police, Patna are also directed to take all sincere effort for production of the witnesses so as to conclude the trial expeditiously.

10. Let a copy of this order be sent to the District Magistrate, Patna and the Superintendent of Police, Patna for the needful.

(Rudra Prakash Mishra, J)

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