

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63820 of 2023

Arising Out of PS. Case No.-1040 Year-2022 Thana- BHAGALPUR KOTWALI District-
Bhagalpur

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Kundan Hari, aged about 33 years, (male) Son Of Guddu Hari, Resident Of
Mohalla - Hari Tola Jogsar, Police Station - Kotwali (Jogsar), District -
Bhagalpur

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Mr. Dr. Ajeet Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND
MALVIYA

ORAL ORDER

5 15-02-2024 Heard learned counsel for the petitioner, learned APP
for the State and perused the case diary.

The petitioner is in custody in connection with
Kotwali (Jogsar) P.S. Case No. 1040 of 2022 registered for an
offence under Sections 341, 323, 504, 506 and 302 of the Indian
Penal Code.

As per prosecution case, it is a case of assault to the
son of the informant by means of Hockey stick due to which, he
succumbed to his injury.

Learned counsel for the petitioner submits that
petitioner has falsely been implicated in this case. He further
submits that the allegation of assault against three persons and



there is only one injury over the scalp and occipital swelling over the right side of chick. Petitioner is in custody since 08.11.2022.

However, learned APP for the State opposes the payer for bail of the petitioner and submitted that petitioner is direct assailant of the deceased/victim.

Perused the first information report, case diary, postmortem report and also the impugned order dated 19.06.2023 passed by learned Additional Sessions Judge-X, Bhagalpur, it appears that there is specific allegation against this petitioner and in para-50 of the case diary, it appears that one of the injury has been caused, i.e., laceration size 0.5 x 0.5 x 0.5 c.m. over occipital side of cheek. Further NCCT of brain (p) plate no.522 dated 28.10.2022 shows SDH present in right frontal temporal convexity, contusion present in frontal lobe and fracture occipital bone and nature of injuries are grievous and cause of death is by head injury caused by hard and blunt object. All witnesses have been examined under Section 161 of the Cr.P.C. and they have supported the case of the prosecution, the trial is on advanced stage, considering which, I am not inclined to grant bail to the petitioner. Prayer for regular bail of the petitioner is hereby rejected.



However, the trial Court is directed to conclude the trial within a period of one year.

(Ramesh Chand Malviya, J)

Brajesh Kumar/-

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