

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70444 of 2024

Arising Out of PS. Case No.-18 Year-2024 Thana- SIRISIYA District- West Champaran

SANTOSH KUMAR Son of Aklu Ram Resident of village - Laxmipur
Kauwaha, P.S.- Sirisiya, District - West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Gauri Shankar Thakur, Advocate

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

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

ORAL ORDER

3 20-11-2024 Heard learned counsel for the petitioner and learned
APP for the State and perused the case diary.

2. The petitioner seeks bail in connection with Sirisiya
P.S. Case No. 18 of 2024 instituted for the offences under
Sections 302, 34 of the Indian Penal Code.

3. Prosecution case, in short, is that the accused
persons including the petitioner assaulted the father of the
informant by means of *lathi-danda* on his head due to which he
died.

4. Learned counsel for the petitioner submitted that the
petitioner has falsely been implicated in the present case.
Learned counsel for the petitioner submits that general and
omnibus allegation has been made against the petitioner. No



specific overt act is alleged against the petitioner. Learned counsel further submitted that date of occurrence is 11.04.2024 whereas the FIR was lodged on 14.04.2024, therefore, there is a delay of three days in lodging the FIR without plausible explanation, which in itself, raises doubt over the prosecution story. Learned counsel further submitted that both parties are *gotias* and have land dispute between them which is evident from the FIR itself. It has been submitted on behalf of the petitioner that the petitioner is in custody since 09.05.2024 and has no criminal antecedent.

5. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner. Learned APP further submitted that there is no delay in lodging the FIR as is evident from the FIR itself, the date of occurrence is 14.04.2024 and date of lodging the FIR is also 14.04.2024. Learned counsel further submitted that there is allegation, in the FIR itself, against the petitioner that he along with other co-accused assaulted on the head of the deceased as a result he died during course of treatment. Learned counsel further submitted that post-mortem report also corroborates the content of the FIR, and therefore, learned counsel prays that petitioner may not be released on bail.



6. Having considered the rival submissions made on behalf of the parties and the material available on record, this Court is not inclined to grant bail to the petitioner taking into account nature and gravity of offence.

7. Accordingly, the prayer for grant of bail to the petitioner is, hereby, rejected.

(Rudra Prakash Mishra, J)

Alok Verma/-

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