

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74267 of 2024

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

Aklu Ram S/O Late Saryug Ram R/O Vill.- Laxmipur Kauwaha P.S- Sirisiya,
Dist.- West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr.Ram Sumiran Rai, APP

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

ORAL ORDER

3 06-12-2024 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 due to
admitted previous dispute. 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. The postmortem report does not support the prosecution case as no bodily injury has been found on the person of the deceased. The Informant is not the eye-witness to the alleged occurrence.

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 postmortem report also corroborates the allegation made in the FIR, and therefore, the petitioner does not deserve bail. Learned counsel for the State further submits that the prayer for regular bail of the co-accused Santosh Kumar has already been rejected by this Court vide order dated 20.11.2024 passed in Cr. Misc. No. 70444 of 2024.

6. Having considered the rival submissions made on behalf of the parties and the material available on record as also considering the gravity and nature of offence alleged against the petitioner, this Court is not inclined to grant bail to the petitioner.

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

(Rudra Prakash Mishra, J)

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