

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.76900 of 2024

Arising Out of PS. Case No.-97 Year-2023 Thana- DHORAIYA District- Banka

Md. Soukat S/O Late Idrish Resident of village- Bishanpur, P.S-
Dhoraiya, District - Banka.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr. Yogesh Chandra Verma, Sr. Advocate
	Mr. Md.Najmul Hodda, Advocate
For the Opposite Party/s :	Ms. Renu Kumari, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

3 26-11-2024

1. Heard learned counsel for the parties.

2. The petitioner has renewed his prayer for grant of regular bail in connection with Sessions Trial no.352 of 2024, arising out of Dhoraiya P.S. Case no. 97 of 2023 registered under sections 302, 307, 341, 323, 324 and 120B of the Indian Penal Code and sections 25(1-B)(a), 26 and 35 of the Arms Act.

3. As per the prosecution case, the informant states that seeing her husband's cousin brother making a hut on their land, her husband went to stop him on which the nine named accused persons came variously armed. The petitioner is said to have assaulted the informant's husband with an axe seriously injuring him. The same was followed by assault by the other accused persons which led to the husband of the informant falling unconscious and he subsequently died.

4. It is submitted by learned Senior counsel for the



petitioner that the earlier prayer for bail of the petitioner was rejected vide order dated 7.3.2024 (Annexure-1) passed in Cr. Misc. no. 79353 of 2023. Referring to the seizure list and the postmortem report, it is submitted that the seizure list was prepared and the postmortem examination commenced much prior to registration of the F.I.R. Thus, the F.I.R. was tainted. The cause of false implication of the petitioner is land dispute between the parties, which would be evident from the contents of the F.I.R. itself. Even the scribe has not supported the prosecution case. The petitioner is in custody since 15.4.2023 and charge has been framed. The petitioner undertakes to cooperate in the case.

5. The application for bail is opposed by learned A.P.P. for the State.

6. Having heard learned counsel for the parties and taking into consideration the allegations of assault with an axe being on the petitioner and the same having been supported from the contents of the postmortem report, the Court is not inclined to enlarge the petitioner on bail and the application is rejected.

(Partha Sarthy, J)

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