

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.75686 of 2023

Arising Out of PS. Case No.-65 Year-2023 Thana- PURNEA SADAR District- Purnia

Karan Kumar @ Karan Kumar Choudhary Son Of Late Raju Choudhary @
Late Sukumar Jayswal Resident Of Village - Belouri, Ward No. 44, P.S. -
Sadar (Mufassil), District - Purnea.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bipin Kumar, Adv
For the Opposite Party/s : Mr. Binod Kumar, APP

**CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND
MALVIYA**

ORAL ORDER

3 28-02-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with
Sadar (Muffasil) P.S.Case No. 65 of 2023 instituted for the
offences punishable under Sections 302/34 of the Indian Penal
Code.

3. The prosecution case in short is that for levelling
the soil a dispute took place between the informant and the
petitioner. On the order of one co-accused Sita Devi, the
petitioner assaulted the informant's brother with the spade due
to which he injured and died on the way to the hospital.

4 Learned counsel for the petitioner submits that the
petitioner is innocent and has falsely been implicated in this



case. The petitioner is in custody since 21.01.2023 having clean antecedent. From perusal of the post mortem report of the deceased the doctor found lacerated wound of the right temporal region of head with cutting of external ear of right side and a lacerated wound on the left side of cheeks which shows that the body of the deceased has been sustained only one assault and the allegation of repetition spade blow and sharp cutting on the body of the deceased has not been corroborated by the post mortem report which itself falsified the prosecution case against the petitioner.

5. Learned APP opposes the prayer for bail

6. Considering the post mortem report, statement of witnesses in the case diary, it appears that specific allegation is against the petitioner under section 302 of the IPC. In this circumstance, I am not inclined to grant bail to the petitioner accordingly, his prayer for regular bail of the petitioner is hereby rejected.

(Ramesh Chand Malviya, J)

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