

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.79353 of 2023**

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

MD. SOUKAT SON OF LATE IDRISH RESIDENT OF VILLAGE-  
BISHANPUR, POLICE STATION- DHORAIYA, DISTRICT- BANKA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

|                          |   |                                                        |
|--------------------------|---|--------------------------------------------------------|
| For the Petitioner/s     | : | Mr. Md. Najmul Hodda, Advocate<br>Ms. Shweta, Advocate |
| For the Opposite Party/s | : | Mr. Satya Nand Shukla, APP                             |

**CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY**  
**ORAL ORDER**

3      07-03-2024

1. Heard learned counsel for the parties.

2. The petitioner has preferred this application for grant of regular bail in connection with 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 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. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the case. The FIR was drafted by a *Katib* who has not supported the prosecution case in course of investigation. He has stated that the allegations are general and omnibus in nature. The petitioner is in custody since 15.4.2023. In the postmortem report as many as ten injuries have been found but it has not been stated as to which of the injuries were fatal.

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

6. Having heard learned counsel for the parties and taking into consideration the allegation of assault with an axe on the deceased being on the petitioner together with the allegations finding support 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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