

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.80674 of 2024

Arising Out of PS. Case No.-152 Year-2024 Thana- HALSI District- Lakhisarai

Md. Tipu Khan @ Tipu Khan @ Md. Sonu Khan Son of Md. Irsad Khan @
Irshad Khan Resident of Village- Premdiha, P.S.- Halsi, Distt.- Lakhisarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Vijay Kumar, Adv.
For the State	:	Mr. Ahmad Ali, APP
For the Informant	:	Mr. Ramakant Sharma, Sr. Adv.
		Mr. Mayank Raj, Adv.

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

ORAL ORDER

2 21-11-2024 Heard learned counsel for the petitioner and learned
APP for the State as also Mr. Ramakant Sharma assisted by Mr.
Mayank Raj, appearing on behalf of the Informant.

2. The petitioner seeks bail in connection with Halsi
P.S. Case No. 152 of 2024 instituted for the offences under
Sections 341, 323, 379, 307, 54, 34 of the Indian Penal Code.

3. As per prosecution case, on the day of occurrence,
the accused persons including the petitioner arrived at the shop
of the Informant and started abusing Informant's son. When he
resisted, the co-accused Irshad Khan grabbed his hand and co-
accused Md. Amrez grabbed his legs and, thereafter, they
snatched Rs. 20,000/- and one gold chain from him. It is alleged



that the petitioner Tipu Khan slit throat of the Informant's son and he became unconscious and all the accused persons fled away.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence as alleged against him and has falsely been implicated in the present case. Learned counsel for the petitioner submits that the petitioner is suffering from neurological disorder and his treatment is going on from several years back. There is no allegation of repeated blow against the petitioner which shows that there was no intention of the petitioner to kill the victim. There is no independent witness in this case rather the same are interested witnesses to the alleged occurrence. The petitioner has no criminal antecedent and is languishing in judicial custody since 21.05.2024 without any rhymes or reason.

5. On the other hand, learned A.P.P. for the State as well as Informant have vehemently opposed the prayer for grant of bail to the petitioner, stating that there is direct allegation of assault against the petitioner of slitting the throat of the Informant's son. The I.O., after completion of investigation, has also submitted the charge-sheet against the petitioner under Sections 341, 323, 379, 307, 504/34 of the I.P.C. The injury



report also supports the prosecution case and the injury has been found dangerous to life.

6. Having heard rival contention of both the parties and considering the nature and gravity of the offence as alleged against the petitioner, this Court is not inclined to grant bail to the petitioner.

7. Accordingly, the prayer for bail of the petitioner, above named, is rejected with a direction to the court below to expedite the trial.

(Rudra Prakash Mishra, J)

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