

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.79410 of 2023

Arising Out of PS. Case No.-147 Year-2023 Thana- SIMRI District- Darbhanga

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Kundan Kumar @ Kundan Das @ Bajrangi, Son of Late Kamal Mohan Lal Das, R/o Village- Kamrouli, P.S.- Simri, Distirct- Darbhanga

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pankaj Kumar Das, Advocate

For the Opposite Party/s : Mr. Kalyan Shankar, APP

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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 Simri P.S. Case no. 147 of 2023 registered under sections 302 and 34 of Indian Penal Code.

3. As per the prosecution case, the informant states that his daughter-in-law along with his grand children had left his son and was living in an extramarital relationship with the petitioner at his farm. On the informant's son visiting them for the reason of his children, it is stated that the petitioner and his daughter-in-law tied him up, which was seen by other persons who visited them. As a result of assault by the petitioner and others, the son of the informant sustained injuries and on being taken to the hospital was declared dead.



4. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the case. The daughter-in-law of the informant who works in a Government NGO named Jeevika sustains herself and lives separately with her children. The petitioner and the daughter-in-law of the informant are in a live-in relationship and thus this false case has been lodged to falsely implicate the petitioner. The manner of occurrence is other than what has been narrated in the FIR. The petitioner is in custody since 22.7.2023 and charge-sheet has been submitted in the case.

5. The prayer 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 against the petitioner in the FIR, he along with others having tied up the son of the informant and of having assaulted him as a result of which he sustained grievous injuries and died in course of treatment, the Court is not inclined to enlarge the petitioner on bail and the application is rejected.

(Partha Sarthy, J)

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