

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.83849 of 2024

Arising Out of PS. Case No.-172 Year-2023 Thana- MAINATAND District- West Champaran

Asraf Ali Son of Late Saukat Ali R/O Vill.- Langadi Bashtha, P.S.-
Mainatand, Dist.- West Champaran.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner	:	Mr. Umesh Chandra Verma, Adv
		Mr. Sharad Kumar Verma, Adv
For the Opposite Party	:	Mr. Narendra Kumar Singh, APP
For the O.P. No. 2	:	Mr. Bimlesh Kr. Pandey, Adv
		Mr. Amit Kumar Pandey, Adv

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

3 13-12-2024 Heard learned counsel for the petitioner, learned
counsel for the informant and learned A.P.P for the State.

2. The petitioner has preferred this application for grant of regular bail in connection with Mainatand P.S. F.I.R. No. 172 of 2023 dated 30.11.2023 registered for the offences punishable u/s 302 read with Section 34 of the Indian Penal Code.

3. As per the prosecution case, the petitioner and the co-accused person caught hold of both the hands of the informant's husband and the petitioner's son Shahid Ali fired on the temporal region of the informant's husband due to which, the informant's husband died.

4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. The other co-accused person has already been granted bail by this court *vide* order dated 07.05.2024 passed in Cr.



Misc. No. 33093/2024. Learned counsel has submitted that the petitioner and the co-accused persons have not fled away from the place of occurrence. The specific allegation of firing is against the co-accused, Sahid Ali. The petitioner has clean antecedent as stated in para 3 of the bail petition. The petitioner is in custody since 23.08.2024.

5. Learned A.P.P. for the State and learned counsel for the informant have vehemently opposed the bail petition of the petitioner by submitting that the petitioner is son of the deceased. It is further submitted that the petitioner and his wife caught hold of the deceased, thereafter, the co-accused (grandson) shot him dead. There is active participation of the petitioner in the alleged crime. The petitioner is patricide.

6. Considering the aforesaid facts and circumstances of the case as well as the heinous nature of allegation against the petitioner, this Court is not inclined to grant bail to the petitioner and the same is rejected in connection with Mainatand P.S. F.I.R. No. 172 of 2023, pending in the court of learned Judicial Magistrate, 1st Class, Bettiah, West Champaran.

7. This application stands rejected.

(Chandra Prakash Singh, J)

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