

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.98 of 2024

Arising Out of PS. Case No.-438 Year-2023 Thana- BARHARA District- Bhojpur

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Pintu Mushar S/o - Brij Bihari Mushar R/o Vill.- Babhangaon, P.S.- Barahara.
Dist.- Bhojpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner : Mr. Ajit Kumar Singh, Advocate
For the State : Mr. Abhay Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 21-03-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks bail in a case registered for the
offence punishable under Sections 302 and 34 of the Indian
Penal Code.

3. As per prosecution case, on 18.07.2023 at about
08:30 PM, this petitioner, along with two other F.I.R. named
accused persons, came at the house of the informant and taunted
the informant's father on account of which the informant's
father abused the accused persons. Thereafter, it is alleged that
all the F.I.R. named accused persons got infuriated and assaulted
the father of the informant by lathi and danda. It is further
alleged that this petitioner dashed the head of father of the



informant on the wall, as a result of which, during course of treatment, father of the informant died.

4. It is submitted by learned counsel appearing on behalf of the petitioner that this petitioner has falsely been implicated in this case. It is next submitted that as a matter of fact, death of father of the informant was pure accidental and there was no intention or motive to kill the deceased. It is further submitted that during course of investigation, son of the deceased namely Luv Kish Mushar and Bifai Mushar both have stated before the learned trial court that it was co-accused Dahanki Mushar and Bhagwan Mushar who caught hold of the deceased and the deceased himself gave a push on the wall, due to which he sustained injuries and when he was taken to Sadar Hospital, Ara, he was declared dead. It is further submitted that on the spur of the moment the incident took place and as such there was no intention on the part of the petitioner to commit the crime. The petitioner is in custody since 19.07.2023. Petitioner claims clean antecedents.

5. On the other hand, learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner and submitted that as per prosecution case, this petitioner, along with two other accused persons, assaulted the father of the



informant, as a result of which, during course of treatment, he died.

6. Considering the rival submissions, facts and circumstances of the case and nature of accusation, the prayer for grant of bail to the petitioner is rejected.

(Prabhat Kumar Singh, J)

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