

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7134 of 2025

Arising Out of PS. Case No.-527 Year-2023 Thana- ISLAMPUR District- Nalanda

Birendra Chauhan Son of Chhotu Chauhan Resident of Village- Mojahirpur,
P.S.- Islampur, District- Nalanda

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ayush Kumar, Adv.
For the Opposite Party/s	:	Mr. Uday Pratap Singh, APP
For the Informant	:	Mr. Shiv Pratap, Adv.
		Mr. Mritunjay Kumar, Adv.

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

ORAL ORDER

5 07-07-2025 Heard learned counsel for the petitioner and learned
APP for the State. Perused the case diary.

2. The petitioner seeks bail in connection with
Islampur P.S. Case No. 527 of 2023 instituted for the offences
under Sections 302/34 of the Indian Penal Code

3. As per prosecution case, the accusation against the
accused persons including the petitioner is of assaulting the
informant and others by means of iron rod. It is alleged that the
petitioner assaulted Arun Kumar on his head by iron rod due to
which he sustained head injury and, later on, he was taken to
Hospital where he was declared dead.

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 due to personal grudge, vengeance and with an ill motive of harassment. The petitioner has not committed any offence as alleged in the F.I.R. He further submits that nothing incriminating has been recovered from the conscious/physical possession of the petitioner. He further submits that the police arrested the petitioner and took his confessional statement which has no evidentiary value in the eye of law. Except confessional statement, there is nothing against the petitioner in the entire record of the case. The petitioner has no criminal antecedent and is languishing in judicial custody since 13.12.2023 without any rhymes or reason. Charge-sheet has been submitted in this case.

5. On the other hand, learned A.P.P. for the State and the Informant have vehemently opposed the prayer for grant of bail to the petitioner, stating that the offence alleged against the petitioner is serious in nature. The postmortem report also reveals the cause of death to be hemorrhage and shock due to head injury caused by heavy hard blunt substance and, thus, supports the prosecution case. The petitioner is named in the F.I.R. and, hence, he does not deserve bail.

6. Having heard learned counsel for the parties and



considering the nature and gravity of the offence as also there being direct and specific allegation 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 and conclude the same expeditiously. If the trial is not concluded within the aforesaid period of six months from today, the petitioner will be at liberty to renew his prayer for bail before the court below.

(Rudra Prakash Mishra, J)

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