

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17598 of 2025

Arising Out of PS. Case No.-327 Year-2024 Thana- TEKARI District- Gaya

Sunil Ram Son of Late Jitan @ Jitan Ram @ Jitendra Ram Resident of
Village - Paluhar, P.S. - Tekari, District - Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Indu Bhushan
For the Opposite Party/s : Mr.Arun Kumar

**CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR
PANDEY**

ORAL ORDER

3 13-05-2025 Heard the learned counsel for the parties.

2. This is an application for regular bail on behalf of the petitioner for the offences alleged under Sections 127(1), 115(2), 117(2), 103(1), 351(2) and 351(3) of the B.N.S., registered in connection with Takari P.S.Case No. 237 of 2024.

3. As per the FIR, there is land dispute between the parties. The recital of the FIR shows that the deceased died due to *lathi* blow inflicted by the petitioner on his head. Though the intention of the petitioner was to assault Umesh Ram, but it hit the head of the deceased, leading to his death.

4. The learned counsel for the petitioner has submitted that it was not the intention of the petitioner to kill the deceased or his son Umesh Ram, as such, the investigating authorities did not find the case under Section 103 of the B.N.S. and submitted the charge sheet under Section 105 of the B.N.S. for the offence of culpable homicide, not amounting to murder. The learned counsel has also submitted that the witnesses in paras- 20 and



21 of the case diary have stated that the petitioner in a drunken condition came to the house of the deceased and started abusing the female members. Thereafter, the petitioner started scuffling with Umesh Ram, the son of the informant, and when the deceased who was already a paralytic patient came to rescue, was dashed by the petitioner and he died.

5. Mr. J.N. Thakur, the learned APP for the State, has opposed the prayer for bail and submitted that the witnesses in paras-48, 49, 50 and 51 of the case diary have stated that the petitioner wanted to assault the informant with *lathi*, but it hit the deceased and he died.

6. In view of the allegation levelled against the petitioner, presently, I am not inclined to grant him the privilege of bail. It is hereby rejected.

7. However, the petitioner may renew his prayer for bail after six months from today.

(Nawneet Kumar Pandey, J)

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