

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20507 of 2025

Arising Out of PS. Case No.-984 Year-2024 Thana- BIHTA District- Patna

Sunny Kumar @ Shashi Kumar S/o Late Vinod Singh @ Binod Singh R/o -
Bishunpura, P.S - Bihta, District - Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ghanshyam Tiwary

For the Opposite Party/s : Mr.Bharat Lal

**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

2 05-05-2025 Heard learned counsel for the petitioner and learned
A.P.P for the State.

2. The petitioner has preferred this application for grant of regular bail in connection with Bihta P.S. Case No. 984/2024 dated 23.10.2024 registered for the offence punishable u/s 103(1) read with Section 3(5) of the B.N.S.

3. As per the prosecution case, the petitioner and the co-accused person are alleged to have twisted the head of the informant's grandson and assaulted him on his neck and chest with fists and kicks. Thereafter, he was taken to ESI Hospital, Bihta where the doctor declared him dead.

4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. The petitioner has no concern with the alleged occurrence. Learned counsel has submitted that the allegation against the petitioner and the co-accused person is to twist the



head of the deceased but as per the post-mortem report, no any injury was seen in the neck. Hence, the post-mortem report does not support the prosecution case. The petitioner has clean antecedent as stated in para 3 of the bail petition. The petitioner is in custody since 18.01.2025.

5. Learned A.P.P. for the State has vehemently opposed the bail petition of the petitioner by submitting that the specific allegation is against the petitioner and the co-accused, Gautam Kumar. As per the post-mortem report, the cause of death is due to haemorrhage and shock due to antemortem injuries caused by hard and blunt force leading to cardio respiratory failure. As per the external findings - (1) Abrasion Lt. elbow 2" linear (2) Abrasion R+ elbow 1½" (3) Bruising left upper chest- 3" x 3" & left lower chest 3" x 3" and as per the internal findings - (1) on opening skull brain matter found pale, (2) On opening chest, (a) Body of sternum fractured (b) Blood & clot present in mediastinum (c) laceration over left inferior ventricular wall (d) Lung congested b/4 (3) on opening abdomen (a) stomach contains semidigested rice (b) liver spleen, kidneys - pale (c) urinary bladder partially filled.

6. Considering the aforesaid facts and circumstances of the case as well as the specific and heinous nature of offence against the petitioner, this Court is not inclined to grant bail to the petitioner and the same is rejected in connection with Bihta



P.S. Case No. 984/2024 pending in the court of learned
A.C.J.M-II, Patna.

7. This application stands rejected.

(Chandra Prakash Singh, J)

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