

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25782 of 2025**

Arising Out of PS. Case No.-1239 Year-2023 Thana- TURKAULIYA District- East
Champaran

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Rahul Kumar S/o Baliram Singh R/o Village- Manjhar, P.S.- Turkaulia,
District- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :
For the Petitioner/s : Mr.Raghav Prasad
For the Opposite Party/s : Mr.Satya Nand Shukla

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 30-07-2025 Heard the parties.

2. The petitioner seeks bail in connection with
Turkauliya P.S. Case No. 1239 of 2023 registered for the
offence under Sections 341, 323, 324, 397, 387, 504, 34 of
the I.P.C.

3. The petitioner is named in the F.I.R. and is in
custody since 09.12.2024.

4. The allegation against the petitioner is to commit
murder of the father of the informant along-with other named
co-accused persons.

5. Learned counsel appearing on behalf of the
petitioner submitted that if allegation be taken true on its



face, it give an impressions that the father of the informant was assaulted by this petitioner by back of spade, then certainly the manner in which the assault was caused to deceased, it must cause fracture in his skull bones but there is no such any fracture, making allegation *prima-facie*, doubtful. It is submitted that assault not appears repeated without intervening circumstances. It is also pointed out that occurrence took place in the background of the land dispute, where while, father of the informant was returning from field carrying bucket of brinjal on his head, he fell down on the ground and received bodily injuries, which proved fatal but out of property dispute the petitioner implicated falsely with present case, who is otherwise a man of clean antecedent. While concluding argument it is also submitted that the present FIR was lodged after three days of the occurrence and moreover, investigation of this case is completed, as such, there is no chance of tampering with the evidence.

6. Learned APP while opposing the prayer of bail submitted that the informant is the injured eye witness of the occurrence and *prima-facie* there is no occasion to disbelieve



his statement for the present. It is further submitted that the post-mortem report appears corroborating *qua* manner of assault as alleged to be caused by this petitioner. It is submitted that specific allegations as to give blow on the head of the father of the informant is available against petitioner, which proved fatal and same also appears corroborating with post-mortem report.

7. In view of aforesaid factual submissions and by taking note of fact as specific allegation to cause fatal head blow is available against this petitioner, which appears *prima-facie* corroborating with the post-mortem report, accordingly, prayer of regular bail of the petitioner stands **rejected** for the present.

8. However as petitioner is in custody since 09.12.2024, learned trial court is directed to conclude the trial at its earliest preferably within nine months.

(Chandra Shekhar Jha, J)

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