

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31961 of 2025

Arising Out of PS. Case No.-291 Year-2023 Thana- KHARIK District- Bhagalpur

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Mukesh Singh S/O Chano Singh @ Chandradev Prasad Singh Resident of
village- Telghi, P.S.- Kharik, District- Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Sunil Kumar Singh

For the Opposite Party/s : Mr.Madhuri Lata

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

ORAL ORDER

3 21-07-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner has preferred this application for grant of regular bail in connection with Kharik P.S. Case No. 291 of 2023 dated 25.12.2023 in Session Trial No. 373/2024 registered for the offences punishable u/s 302/34 of the Indian Penal Code.

3. As per the prosecution case, the petitioner and the co-accused persons holding lathi, danda and spade are alleged to have surrounded the informant and his family members and the petitioner assaulted on the head of the informant's father with spade causing injury and the injured was taken to hospital and he died during the course of treatment on the same day on



25.12.2023.

4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case due to previous enmity. It is further submitted that out of seven witnesses four witnesses have been examined in the trial, the P.W.-1 (Ajay Kumar) in his deposition at paragraph nos. 25 and 26 has stated that he was not the eye-witness to the alleged occurrence and the P.W.-2 (Arti Kumari) in her deposition at paragraph nos. 21 and 23 has stated that she was not the eye-witness to the alleged occurrence. It is further submitted that the allegation levelled against the petitioner in the fardbeyan is not corroborated by the post-mortem report. The occurrence was not premeditated and was a result of a sudden fight in the heat of passion on a sudden quarrel. The petitioner has two criminal antecedents as stated in para 3 of the bail petition. The petitioner is in custody in this case since 26.12.2023.

5. Learned APP for the State as well as learned counsel for the informant have vehemently opposed the bail petition of the petitioner by submitting that there is specific allegation against the petitioner who assaulted on the head of the deceased with spade. As per the post-mortem report of the



deceased, the cause of death is head injury and its complication due to hard and blunt substance. Earlier the regular bail petition of the petitioner has been rejected by this Court vide order dated 26.06.2024 passed in Cr. Misc. No. 42709 of 2024.

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 Kharik P.S. Case No. 291 of 2023, pending in the Court of learned District and Additional Sessions Judge-II, Naugachia, Bhagalpur.

7. Learned court below is directed to conclude the trial of the petitioner at the earliest.

8. The application stands rejected.

(Chandra Prakash Singh, J)

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