

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49445 of 2025

Arising Out of PS. Case No.-359 Year-2024 Thana- SAHPUR District- Bhojpur

Ramesh Prasad @ Byas S/o- Hira Choudhary @ Hira Prasad Resident of
Village- Dewaich Kundi Police Station- Shahpur Dist- Bhojpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Nil Kamal, Adv.
For the Opposite Party/s : Mr.Madhura Nand Jha, APP
For the Informant : Mr. Bhaskar Shankar, Adv.

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

ORAL ORDER

3 09-10-2025 Heard learned counsel for the petitioner and learned

APP for the State as also learned counsel for the informant.

Perused the case diary.

2. The petitioner seeks bail in connection with Sahpur
P.S. Case No. 359 of 2024 instituted for the offences under
Sections 191(3), 191(2), 190, 115(2), 109, 103(1), 352, 351(2)
of the Bhartiya Nyaya Sanhita, 2023.

3. As per prosecution case, the accusation against the
accused persons including the petitioner is of assaulting the
informant by means of iron rod, *lathi-danda* and swords due to
which he sustained injury on the head. It is further alleged that
the accused persons also assaulted informant's brother Kapil Bin
and nephew Umar. It is alleged that injured Kapil Bin



succumbed to the injury.

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. There is no specific or direct allegation of any overt act against the petitioner rather the same is general and omnibus in nature. In the alleged occurrence, both the parties sustained injuries. Learned counsel for the petitioner further submits that the only allegation against the petitioner is that he instigated to assault the informant. There is no specific allegation of any overt act against the petitioner or to cause injury to the deceased. There is a case and counter case between the parties. The present case is the counter blast to the case lodged by petitioner Vikash Prasad against the prosecution party being Shahpur P.S. Case No. 360 of 2024. The petitioner has one criminal antecedent and is languishing in judicial custody since 06.04.2025 without any rhymes or reason.

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 is serious in nature. The informant in the re-statement and several witnesses have supported the prosecution case in their statements. The



postmortem report supports the prosecution case. Learned counsel for the informant submits that the trial is going on and two witnesses have also been examined.

6. Having heard learned counsel for the parties and keeping in view the nature of allegation, gravity of the offence, materials available in the case diary, postmortem report of the deceased as also the criminal antecedent of 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 preferably within a period of six months from today. If the trial is not concluded within the period of six months as stated above, the petitioner will be at liberty to renew his prayer before the court below.

(Rudra Prakash Mishra, J)

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