

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62806 of 2024

Arising Out of PS. Case No.-245 Year-2023 Thana- PANDAUL District- Madhubani

Ashutosh Kumar S/o Gulab Yadav R/o Village- Kotwali Chowk, Mishriganj,
P.S.- Town, District- Madhubani.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Madhu Prasun, Advocate

For the Opposite Party/s : Mr. Syed Ehteshamuddin, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SOURENDRA PANDEY
ORAL ORDER

8 10-04-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. Petitioner seeks regular bail in connection with Pandaul P.S. Case No. 245 of 2023 for the offences punishable under Sections 341, 323, 307, 504, 34 of the Indian Penal Code and subsequently Section 302 of the I.P.C was also added

3. The prosecution case, as per the First Information Report, is that the *fardbeyan* of one Saroj Kumar Sah was recorded at Paras Hospital, Darbhanga and the informant had stated that he had gone to see the cultural event at Chhat Ghat and during such event, the named accused Ashutosh Yadav (petitioner) and Santosh Yadav started pushing the informant and when the informant protested, Santosh Yadav caught hold of him and started abusing, Ashuthosh Kumar (petitioner) with an



intention to kill, stabbed the informant in stomach repeatedly. The informant was rushed to the hospital, where his fardbeyan was recorded by the police. Subsequently, during the course of treatment the said informant/victim died.

4. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in this case. His antecedent is fair and has stated that the lodging of the present case is an afterthought as admittedly, the incident had occurred on 19-20.11.2023, however, the fardbeyan was recorded on 23.11.2023 and the FIR was finally registered on 24.11.2023. He has further submitted that there is nothing against the petitioner barring suspicion and no motive has been alleged against the petitioner. Lastly he has submitted that the petitioner is in custody since 28.11.2023 and, thus, he may be enlarged on bail.

5. Learned APP for the State has vehemently opposed the prayer for bail of the petitioner and stated that the petitioner is the named accused in the FIR who has repeatedly stabbed the informant Saroj Kumar Sah, resulting in serious injury and he is the main assailant who has caused those injuries. The learned APP has stated that in the facts of the case the petitioner does not deserve to be enlarged on bail.



6. In view of the statement of the informant who has specifically named the petitioner to have stabbed him in his stomach 3-4 times resulting in grievous injury and later the informant succumbed to the said effective injury caused by the petitioner, this Court is not inclined to release the petitioner on bail. Accordingly, the prayer for bail is rejected.

7. In the result, the present bail application is dismissed.

8. However, since the case is of the year, 2023, it is expected that the learned Trial Court should expedite the trial of the case.

(Sourendra Pandey, J)

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