

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72515 of 2024

Arising Out of PS. Case No.-322 Year-2023 Thana- MEHSI District- East Champaran

Nageshwar Das Son of Late Tilkeshwar Das Village- Mithanpura, Ps- Mehshi,
Dist- East Champaran

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjay Kumar Tiwari

For the Opposite Party/s : Mr.Uday Chand Prasad

CORAM: HONOURABLE MR. JUSTICE ASHOK KUMAR PANDEY
ORAL ORDER

5 20-02-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner has prayed for regular bail in a case registered for the offence punishable under section 302 of the Indian Penal Code.

3. The case of the prosecution is that the informant heard that the petitioner has assaulted his father with '*barchi*' due to which he died.

4. From perusal of the post-mortem report, it transpires that the deceased had got one penetrating wound on his left chest and that is the cause of death. Accordingly, the FIR.

5. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in



connection with the present case. It has further been submitted that from perusal of the FIR itself, it is clear that the informant is not the eye witness of the occurrence. In this case, stage of the trial was called for and from perusal of the report, it appears that altogether, six witnesses have been examined and three witnesses are remained to be examined. Moreover, the petitioner is languishing in judicial custody since 25.09.2023.

6. Learned APP appearing for the state has opposed the prayer of regular bail stating that the petitioner has one criminal antecedent in connection with Mehsi P.S. Case No. 27 opf 2013 under Section 302 of the Indian Penal Code.

7. Considering the aforesaid facts and circumstances of the case and the submissions put forward by the parties, I am not inclined to extend him the privilege of bail at this stage which is accordingly rejected.

8. However, petitioner may renew his prayer for bail after six months if the trial is not concluded.

(Ashok Kumar Pandey, J)

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