

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72543 of 2024

Arising Out of PS. Case No.-296 Year-2024 Thana- CHAPRA MUFFASIL District- Saran

Azad @ Azad Sah Son of Makbul Sah Resident of Village- Badalu Tola, P.S.-
Muffasil, District- Saran

... .. Petitioner/s

Versus

The State of Bihar Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Anjani Parashar, Adv.
For the Opposite Party/s	:	Mr. Ahmad Ali, APP
For the Informant/s	:	Mr. Radha Mohan Singh

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

ORAL ORDER

4 03-03-2025 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 Mufassil P.S. Case No. 296 of 2024 dated 23.05.2024 registered for the offences punishable under Sections 302 read with Section 34 of the Indian Penal Code.

3. As per the prosecution case, on 18.05.2024, the elder aunt of the informant namely, Najima Khatoon went to the house of his neighbour in a marriage ceremony and on returning to the house then the petitioner and the co-accused persons having lathi, danda and sword in their hand came there and started abusing and challenging Najima Khatoon and when she



raised objection, all the accused persons started badly assaulting her. The petitioner assaulted Najima Khatoon with lathi on her head due to which her head was ruptured and blood started oozing out. When the other family members of the informant came to save her, they were also assaulted by the accused persons due to which they became injured. Neighbour came there and rescued the informant's side. All the injured were taken to the hospital for treatment and during the course of treatment, Najima Khatoon died.

4. Learned counsel for the petitioner has submitted that the petitioner is innocent and due to previous enmity he has falsely been implicated in this case. It is further submitted that there is no allegation of repeated blow against the petitioner. There is general and omnibus allegation. The occurrence took place on 06.05.2024 but the FIR was lodged on 18.05.2024 and there is no explanation for this delay. The petitioner has no concern with the alleged occurrence. The petitioner has no criminal antecedent as stated in para 3 of the bail petition. The petitioner is in custody since 04.06.2024.

5. Learned A.P.P. for the State and learned counsel for the informant have opposed the bail petition of the petitioner by submitting that there is specific allegation against the petitioner



of assaulting the deceased with lathi due to that she died. It is further submitted that the cause of death is head injury and its complication (Septicemia) caused by hard blunt object as per the post-mortem report.

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 Mufassil P.S. Case No. 296 of 2024, pending in the Court of learned C.J.M., Saran at Chapra.

7. The application stands rejected.

(Chandra Prakash Singh, J)

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