

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.85064 of 2024

Arising Out of PS. Case No.-134 Year-2021 Thana- SIDHWALIYA District- Gopalganj

Santosh Kumar Son of Late Kasturi Sharma Resident of Village- Bisunpura,
Bazar, P.O- Bishunpura, P.S.- Sidhwaliya, District- Gopalganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Bipin Bihari Singh, Advocate
For the O.P. No. 2	:	Mr. Manendra Thakur, Advocate
		Mr. Manoj Kumar Madhukar, Advocate
For the Opposite Party/s :		Mr. Ram Anurag Singh, APP

CORAM: HONOURABLE MR. JUSTICE ASHOK KUMAR PANDEY
ORAL ORDER

3 21-03-2025 Heard Mr. Bipin Bihari Singh, learned counsel for the petitioner; learned counsel for O.P. No. 2 Mr. Manendra Thakur and Mr. Ram Anurag Singh, learned APP for the State.

2. The petitioner has prayed for regular bail in a case registered for the offence punishable under Sections 302, 341, 323, 504/34 of the Indian Penal Code.

3. The case of the prosecution is that on 11.04.2021 at about 07:00 PM, son of informant namely, Kanta Prasad and one Raju Kumar saw that some persons were cutting the wheat crop in his field, then, Kanta Prasad arrived there and saw that the petitioner along with others have covered their face were cutting the wheat crop from the fields of informant, when Kanta Prasad protested, petitioner Santosh Kumar told that accused Raju



Sharma has ordered to harvest the crop, if anybody will obstruct he will be removed. It is further alleged that all the persons have attacked on Kanta Prasad and knocked him down and accused Santosh Kumar (the petitioner) sat on his chest and all the accused persons started assaulting him by fists and slaps and petitioner caught his neck. When the younger son went to save, other persons covering their face, attacked upon him and somehow he managed to escape.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence. He has falsely been implicated in this case. He has got no criminal antecedent. It is also submitted that in this case the nature of allegation is general and omnibus. Independent witnesses have stated that there was only *dhakka-mukki* at the wheat fields. It is further submitted that the petitioner is languishing in judicial custody since 01.09.2024.

5. Learned APP appearing for the state and learned counsel for the informant have opposed the prayer of regular bail. It is also submitted that in this case, from perusal of the postmortem report, it will transpire that the force rib of the deceased was fractured and as far as the cause of death is concerned, it has been opined by the board that due to trauma on



chest which leads to cardiopulmonary failure. It is also submitted that it is a case of the year 2021 and in this case, he has to moved to the High Court for proper and fair investigation and after much time, the petitioner was arrested. From perusal of the material available on the records, it transpires that the main thrust of allegation is against this petitioner and force rib was found fractured and the doctor has also found cause of death is due to trauma on chest.

6. Having heard learned counsel for the parties and considering the facts and circumstances of the case, this court is not inclined to enlarge the petitioner on bail.

7. Accordingly, the present bail application stands rejected.

8. However, the petitioner will be at liberty to renew his prayer for bail after six months, if the trial is not concluded.

(Ashok Kumar Pandey, J)

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