

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.86456 of 2024

Arising Out of PS. Case No.-103 Year-2024 Thana- MIRGANJ District- Gopalganj

Oshihar Singh @ Oshiyar @ Oshiyar Singh S/O Late Rama Singh Resident of
Village - Kushandhi, Police Station- Mirganj, District- Gopalganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajesh Roy, Advocate
For the Opposite Party/s : Mr. Amitesh Kumar, APP
For the Informant : Mr. Indrajeet Bhushan, Advocate

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

ORAL ORDER

3 24-01-2025 Heard learned counsel for the petitioner, learned
APP for the State, learned counsel for the informant and perused
the case diary.

2. The petitioner seeks bail in connection with
Mirganj P.S. Case No. 103 of 2024, instituted for the offences
punishable under Sections 302, 120(B) and 34 of the Indian
Penal Code.

3. The prosecution case, in short, is that, all the
accused persons including this petitioner went to the house of
the informant and asked for her son. When son of the informant
came out, the petitioner gave a knife blow in his stomach due to
which he sustained injuries and later on succumbed to his
injuries during his treatment.



4. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in the present case. Charge-sheet has been submitted in this case. No incriminating material has been recovered from the conscious possession of the petitioner. Learned counsel for the petitioner also submits that there is no direct or cogent evidence available against this petitioner. Minor daughter of the petitioner had love affair with the deceased and they belong to same village and due to this reason the petitioner has been falsely implicated in this case. The petitioner is in custody since 18.03.2024 and has got no criminal antecedent. Learned counsel for the petitioner further submits that similarly situated co-accused have been granted regular bail by this Court vide order dated 21.09.2024 passed in Cr. Misc. No. 49651 of 2024.

5. Learned APP for the State and learned counsel for the informant have vehemently opposed the prayer for grant of bail to the petitioner and submitted that there is specific allegation against the petitioner of giving knife blow to the deceased due to which he succumbed to his injuries. Hence, the petitioner does not deserve the privilege of bail.

6. Considering the aforesaid facts and circumstances of the case, nature of accusation and the gravity of the offence,



this Court is not inclined to grant bail to the petitioner.

7. The prayer is rejected at this stage. The trial Court is directed to expedite the Trial expeditiously.

(Rudra Prakash Mishra, J)

Rajorshi/-

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