

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.703 of 2025

Arising Out of PS. Case No.-286 Year-2023 Thana- SARAI District- Vaishali

Sumit Kumar S/O Bimal Mishra R/O Village- Mahmaddoband, P.S- Sarai,
Distt.- Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner	:	Ms. Smiti Bharti, Advocate
For the State	:	Mr. Ashok Kumar Singh, APP
For the Informant	:	Mr. Sunil Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 05-03-2025 Heard learned counsels for the parties.

2. The petitioner seeks bail in a case registered for the offence punishable under Sections 147, 148, 149, 341, 323, 302, 379, 307, 504 and 506 of the Indian Penal Code.

3. As per F.I.R., this petitioner repeatedly assaulted on head of father of informant with spade leading to his death.

4. It is submitted by learned counsel for the petitioner that petitioner is quite innocent and has falsely been implicated in this case due to land dispute between the parties. As a matter of fact, mother of this petitioner, namely Geeta Devi, had given a statement on 29.10.2023 at 4:25 PM in the Emergency Ward of Sadar Hospital, Hajipur wherein it is stated that 16 accused persons, including informant of the present case, variously



armed, had surrounded her husband, namely Vimal Mishra and abused him and on protest, assaulted him and when she went to rescue her husband, the accused persons assaulted her as well and when this petitioner came there to rescue, one Manoj Mishra gave a knife blow on his parital region as a result of which he was grievously injured. The injured were taken to hospital for treatment where her statement was recorded and on basis of that statement, Sarai P.S. Case No. 148 of 2024 was lodged against informant and others. It is further submitted that the *post mortem* report of the deceased does not corroborate the prosecution case. Charge-sheet has already been submitted and petitioner is in custody since 27.06.2024.

5. On the other hand, learned A.P.P. for the State and learned counsel appearing on behalf of informant have vehemently opposed the prayer for grant of bail to the petitioner and submitted that petitioner is named in the F.I.R. with specific accusation that he repeatedly assaulted on head of deceased with spade. Doctor has opined that death was caused due to head injury. It is further submitted that petitioner has also got two criminal antecedents.

6. Considering the aforesaid facts and circumstances of the case, specific and direct nature of accusation and criminal



antecedents of the petitioner, the prayer for grant bail of to the
petitioner is rejected.

(Prabhat Kumar Singh, J)

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