

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.319 of 2025

Arising Out of PS. Case No.-282 Year-2024 Thana- NOKHA District- Rohtas

Binod Singh, s/o late Suchit Singh, R/o Village- Chanka, P.S.- Nokha,
District- Rohtas

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Ms. Vaishnavi Singh, Advocate.
For the State : Mr. Upendra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

3 05-03-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with Nokha P.S. Case No. 282 of 2024 dated 28.07.2024 registered for the offences punishable under Sections 191(2), 191(3), 190, 126(2), 115(2), 109, 103, 303(2), 118, 352, 351(2) and 351(3) of the Bhartiya Nyay Sanhita (BNS) 2023.

3. As per allegation, the deceased was surrounded by the accused persons including the petitioner and he was assaulted by the petitioner by *Farsa* on his head resulting into oozing out blood immediately from his head and in course of treatment, he died.

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



case on account of previous enmity because he was a witness against the informant and his family members in Nokha P.S. Case No. 30 of 2018. He further submits that as per the treatment of the deceased at Primary Health Centre, there was lacerated wound and at the time of postmortem, the doctor has opined only on the basis of the stitched wound. He had not seen the injury caused on his head as the same was stitched. However, the doctor conducting the postmortem has opined that the injury on the head was caused by a sharp cutting weapons. He also submits that as per the allegation itself, the accused/petitioner was having firearms in his hand but it is not alleged to have been wielded by him. He also submits that there was allegation of only one assault on his head and as such, there was no repetition in the assault by the petitioner. It also shows that the petitioner had no intention to cause death of the deceased. He also submits that the charge sheet has already been submitted and his judicial custody is no longer required for the sake of investigation. He has deep root in the society and he would not flee away from the trial. He is also a retired person having Gallantry Award.

5. He further submits that the petitioner has been languishing in jail since 18.09.2024.



6. It has also been stated in paragraph no. 3 of the bail petition that the petitioner has no criminal antecedent.

7. It is also stated in paragraph no. 2 of the bail petition that the petitioner has not moved this Court earlier either for anticipatory bail or regular one.

8. However, learned APP for the State and learned counsel for the informant vehemently oppose the prayer of the petitioner for bail submitting that the petitioner is the main assailant whose assault has caused the death of the deceased as per the postmortem report. They further submit that the FIR is corroborated by the postmortem report and the offence is serious in nature supported by material on record.

9. Considering the serious nature of allegation and material on record, I am not persuaded to enlarge the petitioner on bail at this stage.

10. Accordingly, the prayer for bail of the petitioner stands rejected.

(Jitendra Kumar, J)

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