

(2017) 05 PAT CK 0048

In the Patna High Court

Case No : 10548 of 2017

Pramod Sah, Son of Munnilal Sah

APPELLANT

Vs

The State of Bihar

RESPONDENT

Date of Decision : 17-05-2017

Acts Referred:

[Indian Penal Code, 1860](#), [Section 302](#),
[Section 34](#) - Punishment for murder - Acts done by several persons in furtherance of common intention

Citation : (2017) 05 PAT CK 0048

Hon'ble Judges : Rajendra Kumar

Bench : SINGLE BENCH

Judgement

1. Heard learned counsel for the petitioner and the learned A.P.P. for the State.
2. The petitioner seeks bail in connection with Marhowrah P.S. Case No.351 of 2016 registered under Sections 302 / 34 of the Indian Penal Code, pending in the court of the 2nd Additional Chief Judicial Magistrate, Saran at Chapra.
3. The accusation is that due to drainage of the dirty water in the way by the petitioner, his father, namely, Munnilal Sah and his wife, namely, Meera Devi, Mahavir Sah, the father of the informant Sunil Kumar Sah, made protest upon which this petitioner started to abuse the father of the informant and caused assault through lathi at the head of the father of the informant, as a result of which the father of the informant fell down and,

thereafter, Munnial Sah and Meera Devi caused injury at the left hand of the father of the informant due to which and the father of the informant became unconscious. The father of the informant was rushed to Chapra Sadar Hospital from where he was referred to P.M.C.H. where the father of the informant died on 18.07.2016.

4. Learned counsel appearing on behalf of the petitioner submits that while the occurrence is said to be of 05.07.2016 but the F.I.R. was lodged by the informant on 18.07.2016 without any proper explanation. Moreover, there is allegation against the petitioner to cause injury at the head of the father of the informant through lathi but there was no repetition of blow by the petitioner on the person of the father of the informant. The petitioner having no criminal antecedent is in custody since 23.12.2016.

5. On the other hand, learned A.P.P. for the State opposed the prayer of the petitioner for grant of bail with the contention that two injuries were found on the person of the deceased, the father of the informant, i.e., one abrasion on forehead and another bruise on the left wrist of the deceased, the father of the informant, and the cause of the death of the deceased, the father of the informant, is said to be head injury, which is attributed to the petitioner.

6. Having regard to the facts and the circumstances of the case and the nature of allegation, I am not inclined to grant bail to the petitioner. Accordingly, the prayer of the petitioner for grant of bail stands rejected.