

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.10406 of 2016

Arising Out of PS.Case No. -359 Year- 2015 Thana -GORAUL District- VAISHALI(HAJIPUR)

1. Bipin Rai, Son of Ram Ekbal Rai, resident of Village- Bakhari, Doa, P.S. Goraul (Katahara O.P.), District- Vaishali.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ranjan Kumar Singh, Advocate

For the Opposite Party/s : Mr. Iftekhar Mahmood(App)

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 19-05-2016 Heard learned counsel for the petitioner, learned counsel for the informant and learned A.P.P. for the State.

The petitioner apprehends his arrest in connection with Goraul P. S. Case No. 359/2015 registered for offences punishable under Section 341, 323, 302/34 of the Indian Penal Code.

The prosecution case as lodged by the informant is that on 14.12.2015 his mother Parmeshwari Devi, his son Amarjeet Kumar as well as the daughter Arti Kumari and wife, Asha Devi were at Anganwari centre, in the meantime, all the accused persons armed with lathi, danda and iron rod arrived there and assaulted them and in course of assault the informant's mother Parmeshwari Devi received injuries on her head and blood started

oozing. The wife of the informant along with his children tried to save her but on way to hospital she died.

It has been submitted by the learned counsel for the petitioner that he is innocent having no criminal antecedent and has been falsely implicated. He further submits that the allegation of assaulting the mother of the informant is upon Ram Birich Rai and the petitioner was found to be holding a lathi. As per the Post Mortem report only one head injury was found on the body of the deceased. He further submits that there is no specific averment that the petitioner had hit the deceased. He submits that other co-accused against whom the allegations were general and omnibus, have been granted the privilege of anticipatory bail by the learned Court below and he submits that the wife of the informant was at the place of occurrence, has also not alleged any overt act against this petitioner during investigation.

However, learned counsel for the informant submits that the petitioner along with other co-accused were present at the place of occurrence, hence opposes the prayer for bail.

Learned A.P.P. for the State submits that the petitioner is named in the F.I.R., hence, opposes the prayer for bail.

Since, there is specific allegation upon another co-accused and during course of investigation the petitioner has not

been found to have committed any assault, let the petitioner, above named in the event of his arrest or surrender before the Court below within a period of eight weeks from today be released on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand only) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Vaishali in connection with Goraul P.S.Case No. 359/2015, subject to the conditions as laid down under Section 438 (2) of the Code of Criminal Procedure.

(Nilu Agrawal, J)

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