

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.55531 of 2015

Arising Out of PS.Case No. -13 Year- 2013 Thana -PANAPUR District- SARAN

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Ajay Raut, Son of Pasi Raut, resident of village - Dhenuka Bintoli, P.S.
Panapur, District - Saran

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Mukesh Kumar Rana, Advocate

For the Opposite Party/s : Mr. Nagendra Pd., APP

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 19-01-2016

Heard learned counsel for the petitioner and the

learned Additional Public Prosecutor for the State.

The petitioner is languishing in custody since 30.09.2015 in connection with Panapur P.S. Case No. 13/13 for the offences alleged under Sections 341, 323, 324, 307/34 of the Indian Penal Code.

The prosecution case is that the nephew of the informant Anil Rai and the petitioner had gone to Bengaluru to earn livelihood. The petitioner was coming home from Bengaluru. Anil Rai gave him Rs. 1,000/- to give it to the informant. It is alleged that on 02.03.2013 at 5.30 P.M. when Kanti Devi, wife of the informant, went to the house of this petitioner another co-accused Satyadeo Raut caught her from behind and the petitioner

assaulted her on head with Dab, due to which she sustained injury. When one Hira Rai tried to save Kanti Devi (his bhabhi) both the accused persons assaulted him with Dab.

It has been submitted by the learned counsel for the petitioner that the petitioner is innocent and the First Information Report appears to be a false and concocted one as the petitioner could not have been present 3 days back at Bengaluru and his village. The learned counsel for the petitioner further submits that it is a case of single blow and Section 307 of the Indian Penal Code is not made out. It has further been submitted that other co-accused Satyadeo Raut has since been admitted to the privilege of bail by a Co-ordinate Bench of this Court on 03.09.2015 in Cr. Misc. No. 37482 of 2015, who is alleged to have committed the offence along with this petitioner. The injury report (Annexure-2) also states that the opinion has been reserved for X-ray report, which is way back given by the doctor on 02.03.2013 but still the injury report has not yet come and has neither been evidenced by the learned court below while rejecting the bail application of this petitioner on 21.11.2015. It has further been submitted that the petitioner has no criminal history.

Be that as it may, the petitioner, namely, Ajay Raut is directed to be released on bail on furnishing bail bond of

Rs. 10,000/- with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, Ist Class, Saran at Chapra, in connection with Panapur P.S. Case No. 13/13.

(Nilu Agrawal, J)

Rajesh/-

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