

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.22304 of 2017

Arising Out of PS.Case No. -221 Year- 2014 Thana -AKBARPUR District- NAWADA

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Sudhir Ravidas, Son of Bhola Ravidas, Resident of Village- Barail
(Harijan Tola), P.S.- Akbarpur, District- Nawada.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Niraj Kumar, Adv.

For the Opposite Party/s : Mr. Prem Kumar Jha, APP

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**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA**

ORAL ORDER

3 23-06-2017 Heard both sides.

The petitioner seeks bail in Akbarpur P.S. Case No. 221/2014, registered for the offences punishable under Section 304 and other sections of the Indian Penal Code, but cognizance under Section 302 and other sections of the Indian Penal Code was taken.

The informant Sushma Devi alleged that Sudhir Ravidas (petitioner) took her brother-in-law (Bhaisur) Ashok Ravidas to his house. When the informant and her family members went to release Ashok Ravidas then all the nine accused persons namely, Krishna Ravidas, Birendra Ravidas @ Pappu Ravidas, Bhola Ravidas, Jato Ravidas, Sudhir Ravidas (petitioner), Mithun Ravidas, Gudia Kumari, Sushila Devi and Viranjawa Devi



assaulted Ashok Ravidas who died during the course of treatment.

Learned counsel for the petitioner submits that the occurrence took place on 10.08.2014, but the informant lodged the case on 17.08.2014. Sabita Devi wife of Ashok Ravidas made her fardbeyan on 16.08.2014 in P.M.C.H. before police officer after death of her husband and she narrated a different story. She alleged that on 10.08.2014 Krishna Ravidas and Bhola Ravidas took her husband only because her husband cut Palm tree and thereafter, Krishna Ravidas, Bhola Ravidas, Shyamsunder Ravidas, Mithun Ravidas, Rajesh Ravidas, Pappu Ravidas and Sudhir Ravidas (petitioner) brutally assaulted her husband and kept him confined overnight. On the next morning with the help of villagers she took her husband to Government Hospital Nawada from where he was referred to P.M.C.H. where he died during the course of treatment. She did not make specific allegation of assault against the petitioner. She did not disclose that the petitioner took her husband from her house. The deceased got three injuries. On account of injury on head the deceased died. Omnibus and general allegation is made. The police after investigation submitted charge-sheet under Section 304 and other sections of the Indian Penal Code. According to the informant nine persons are alleged to have assaulted the deceased Ashok Ravidas, but the deceased



got only one fatal injury on head. The petitioner is in jail for last six months.

Learned counsel for the informant as well as learned A.P.P. opposed the prayer for bail of the petitioner.

It appears that wife of the deceased made omnibus and general allegation of assault against the petitioner. In her fardbeyan dated 16.08.2014 after the death of her husband she disclosed that Krishna Ravidas and Bhola Ravidas took her husband from the house only because her husband cut the Palm tree and made allegation that all the accused persons assaulted him. The deceased got only one fatal injury.

Considering the facts aforesaid and the fact that the petitioner has remained in jail for six months, the petitioner above-named, is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Chief Judicial Magistrate, Nawada in connection with Akbarpur P.S. Case No. 221/2014.

(Prabhat Kumar Jha, J.)

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