

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.8205 of 2017

Arising Out of PS.Case No. -33 Year- 2012 Thana -GANGABRIDGE District-
VAISHALI(HAJIPUR)

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Bhulla Rai, Son of Lal Mohan Rai, Resident of village - Sahapur, P.S.
Gangabridge, District – Vaishali.

.... Petitioner.

Versus

The State of Bihar

.... Opposite Party.

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Appearance :

For the Petitioner : Mr. Kalyan Shankar, Mrs. Smita and Mr. Chandan
Kumar , Advocates.

For the State : Mr. Ram Chandra Sahani, A.P.P.

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**CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR
MISHRA**
ORAL ORDER

2 15-03-2017 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner seeks bail in connection with Ganga
Bridge P.S. Case No.33 of 2012 registered under Sections 147,
148, 323, 325 and 302 of the Indian Penal Code.

The accusation is that on 21.03.2012 while the father
of the informant was sleeping at the Bathan, adjacent to the house,
at that time, 9 persons, named in the F.I.R., including the
petitioner armed with lathi, danda and iron rod came there and
started to cause assault to the father of the informant brutally. On
alarm, raised by the father of the informant, when the informant



rushed there, he was also assaulted by them through lathi, danda and iron rod in course of saving his father. Duo to assault, the father of the informant sustained blood oozing injury on his forehead caused by iron rod. Thereafter, the father of the informant was rushed to the Sadar Hospital, Hajipur, from where he was referred to P.M.C.H., Patna, for treatment, where he died on 22.03.2012.

Learned counsel appearing on behalf of the petitioner submits that it would appear from the F.I.R. itself that the informant is not an eye witness to the occurrence. While it is alleged that in course of saving his father, the informant also sustained injury but no injury report of the informant was collected by the Investigating Officer during investigation. Moreover, in the post-mortem examination of the dead body of the deceased, only one stitched wound (1/2") on right frontal region of scalp, and diffuse swelling of scalp (whole region), were found, which are said to be caused by hard and blunt substance. Further submission is that the petitioner having no criminal antecedent is in custody since 08.11.2016. Similarly, situated co-accused Lal Mohan Rai has already been granted bail by a Bench of this Court vide order dated 20.02.2017 passed in Criminal Misc. No.55689 of 2016.



Having regard to the facts and the circumstances of the case, the petitioner, above named, is directed to be released on bail on furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Vaishali, in connection with Ganga Bridge P.S. Case No.33 of 2012.

(Rajendra Kumar Mishra, J)

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