

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.71968 of 2018**

Arising Out of PS. Case No.-245 Year-2018 Thana- KHAJEKALA District- Patna

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Bhola @ Vinay Rai, Son of Shakaldeo Rai, Resident Lala Toli, P.S.-  
Khajekala, District- Patna.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Pramod Kumar

For the Opposite Party/s : Mr. Umanath Mishra

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

2      11-12-2018                      Heard Mr. Pramod Kumar Singh, learned counsel for  
  
the petitioner and Mr. Sandeep Kumar, learned counsel for the  
  
informant and learned A.P.P.

The petitioner seeks bail in Khajekalan P.S. Case No.  
245 of 2018 registered under Sections 302, 34 of the Indian  
Penal Code and Section 27 of the Arms Act.

The informant alleged that Ram Singh rang his son,  
Mantosh Kumar on his mobile and when his son did not go  
outside his house, Ram Singh and his friend Subhash Yadav  
came to her house and called her son outside her house. They  
assaulted her son near the house of Pramod Kumar Singh and  
when the informant went there, she saw there Subhash Yadav



and Shivshankar Rai fired which hit on the right knee of her son and her son fell on the ground. Thereafter, Satish Kumar, Ram Singh, Prince, Bhola(petitioner), Shashi Kumar and others are alleged to have assaulted the son of the informant with a piece of stone and brick and her son died during the course of treatment.

The learned counsel for the petitioner submits that there is no specific allegation of assault against the petitioner. The deceased got as many as three injuries that too caused by hard and blunt object save and except one injury caused by sharp edge weapon. 6-7 persons are alleged to have assaulted the deceased. The informant alleged that Subhash Yadav and Shivshankar Rai fired which hit on the right knee of her son but did not find any firearm injury. Similarly situated co-accused namely, Prince @ Rajiv Kumar has already been granted bail by a Bench of this court vide order dated 22.11.2018 passed in Cr. Misc. No.64407 of 2018. Thus, the petitioner also deserves bail.

Mr. Sandeep Kumar, learned counsel for the informant and learned A.P.P. vehemently opposed the prayer for bail and submitted that all are alleged to have assaulted the deceased with stone and bricks. From perusal of the post-mortem report, it would appear that three multiple injuries were



found on shoulder, chest and thigh. The deceased died by shock and haemorrhage on account of cumulative effect of the aforesaid injuries. The accused who has been granted bail started threatening the witness and there is every chance that the petitioner may also resort to such activities in order to tamper the prosecution witness.

It appears that the informant named nine persons along with the petitioner and made specific allegation against Subhash Yadav and Shivshankar Rai who alleged to have been fired but no firearm injury was found on the person of the deceased. Other accused persons are alleged to have indiscriminately assaulted the deceased with bricks and stone but only multiple injuries were found, on such, similarly co-accused namely, Prince @ Rajiv Kumar has already been granted bail. The case of the petitioner stands on the same footing. Accordingly, I find that the petitioner also deserves bail.

Considering the aforesaid facts, let the petitioner, above named, 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 learned Sub Divisional Judicial Magistrate, Patna City, Patna in connection with Khajekalan P.S. Case No.245 of 2018, subject to the condition



that if the petitioner makes any attempt to tamper the prosecution witness, the informant shall be at liberty to bring the facts to the learned court below for cancellation of his bail.

**(Prabhat Kumar Jha, J)**

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