

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37896 of 2019

Arising Out of PS. Case No.-47 Year-2019 Thana- GANGABRIDGE District- Vaishali

1. Uma Shankar Rai son of Late Nathuni Singh
2. Dhannu Rai @ Dhannu Singh son of Late Nathuni Singh
3. Ajit Kumar son of Uma Shanker Rai

All are resident of village + P.O. - Sahadullapur, P.S. - Ganga Brige,
District - Vaishali at Hazipur Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioners : Mr. Gajendra Pratap Singh, Advocate
For the Opposite Party : Mr. Jai Narain Thakur, APP

CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL ORDER

3 17-08-2019 Heard learned counsel for the petitioners and learned
counsel for the State.

The petitioners seek pre-arrest bail in connection with
Ganga Bridge P.S. Case No.47 of 2019 registered under
Sections 341, 323, 324 and 302 read with 34 of the Indian Penal
Code.

It is submitted by the learned counsel for the
petitioners that the story narrated in the written report submitted
by the informant Chandan Kumar on the basis of which the FIR
of Ganga Bridge P.S. Case No.47 of 2019 has been registered
would itself suggest that the informant has not stated the correct
facts to the police. He contended that there is no explanation for
inordinate and unexplained delay of three days in institution of
the FIR. According to him, though place of occurrence is the



residential house of the informant and the written report would suggest that other family members and administrative officers were present at the place of occurrence, there is no explanation as to why no one informed the police. He has further contended that the FIR would suggest that the informant and his father were taken to Sadar Hospital, Hajipur and from there they were sent to P.M.C.H., Patna for better treatment. However, neither the FIR was instituted in the Sadar Hospital, Hajipur nor any report was made while the informant and his father were being treated in the P.M.C.H. It is not known how the father of the informant died. The FIR would suggest that after being discharged from the hospital, the father of the informant died. However, there is no material to show that the deceased was ever treated either at the Sadar Hospital, Hajipur or the P.M.C.H.. On the basis of the aforesaid submissions, he submitted that the petitioners, who are having no criminal antecedent, are being maliciously prosecuted in the instant case.

On the other hand, learned counsel for the State submitted that there is allegation in the FIR that on the alleged date of occurrence the petitioners pelted stones as a result of which the informant and his father sustained injuries. They were first taken to Sadar Hospital, Hajipur and from there they were



referred to the P.M.C.H. and after treatment in the P.M.C.H. while they were returning back, the father of the informant died. He contended that the postmortem report, as contained in the case diary, would also indicate that the deceased had sustained injuries for which he was treated in the hospital. The case diary would show that the autopsy of the deceased was held on 23.03.2019 by the Medical Officer of Sadar Hospital, Hajipur, who has opined that the deceased died due to rupture of great vessel of thoracic cavity.

Regard being had to inordinate delay in institution of the FIR and the submissions made by the learned counsel for the parties, in the event of arrest or surrender before the court below, the petitioners are directed to be released on bail on furnishing bail bonds of Rs.10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Vaishali at Hajipur in connection with Ganga Bridge P.S. Case No.47 of 2019 subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

Md. S/-

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(Ashwani Kumar Singh, J)

