

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12303 of 2020

Arising Out of PS. Case No.-457 Year-2019 Thana- CIVIL LINE District- Gaya

RAJU SAO @ RAJU SAH S/o Late Ram Briksh Sao @ Ram Briksh Prasad
Resident of Mohalla- Bahuar Chaura, P.S.- Civil Lines, Distt- Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Surendra Kumar Singh, Adv.

For the Opposite Party/s : Mr.Ajay Kumar

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

7 12-10-2020 Heard learned counsel for the petitioner and learned
APP for the State, through video conferencing.

The petitioner has filed the instant application for grant of anticipatory bail apprehending his arrest in connection with Civil Lines P.S. Case No. 457 of 2019 registered for the offence under sections 307, 147, 148, 149, 323, 341, 504, 506 and 379 of the Indian Penal Code to which section 302 of the Indian Penal Code was added subsequently.

As per allegation in the FIR, it is stated by the informant that over a dispute relating to parking of the vehicle at the time of dussehra, the accused persons including the petitioner herein assaulted her husband and son. It is stated that the petitioner struck the informant's husband with an iron rod with an intention to kill while Rahul Kumar struck him with butt



of the pistol. As the husband of the informant died in course of treatment, section 302 of the IPC was added subsequently.

It is submitted by learned counsel for the petitioner that the allegations as levelled in the FIR are false and concocted. For an occurrence alleged to have taken place in the night on 7.10.2019, information was given to the police and FIR was registered on 9.10.2019 at 12.15 p.m.. It is submitted that prior to lodging of the said FIR, on 8.10.2019 an occurrence had taken place, which has been narrated in the FIR at Annexure-1 lodged by Santosh Kumar, one of the co-accused in the FIR at Annexure-1. As per this FIR, the husband of the informant alongwith his wife (informant of Annexure-I) and other members of his family came in an intoxicated condition, abused and assaulted the informant and others of the petitioner's side. It is submitted that in paragraph no. 4 of the counter affidavit, it has come that the public handed him over to the police in an intoxicated state. Further with respect to the allegations in Annexure-1. It is submitted that as per the statement of the informant, her husband was taken to the J.P.N. Hospital, from where they went to Magadh Hospital for treatment followed by Global Hospitat at Gaya and ultimately to RIMS at Ranchi. It is submitted that in course of investigation neither any material



has come about the treatment given to him at the different hospitals nor the fact that he was referred from one hospital to the other. It is submitted that the postmortem report does not support the allegation as made in the FIR, there is no motive for the petitioner to commit the offence and he has no criminal antecedent.

Case diary called for in the case, has been received.

The application for bail is opposed by learned APP for the State, who submits that there is direct allegation against this petitioner of having assaulted resulting in death of the husband of the informant.

Having heard learned counsel for the parties and taking into consideration that there is direct allegation against this petitioner of having assaulted with an iron rod, the husband of the informant together with the fact that from the postmortem report which has come in course of investigation, the cause of death is stated to be antemortem injuries caused by hard and blunt substance, the Court is not inclined to enlarge the petitioner on anticipatory bail. The application for bail stands rejected.

In case, the petitioner surrenders within a period of eight weeks and prays for bail, the application shall be



considered without being prejudiced by this order of rejection.

(Partha Sarthy, J)

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