

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16420 of 2020

Arising Out of PS. Case No.-1 Year-2020 Thana- AZIMABAD District- Bhojpur

SANTOSH RABIDAS Son of Sheo Narayan Rabidas Resident of Village -
Bargaw, P.S. - Ajimabad, District - Bhojpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shiv Prasad Gupta

For the Opposite Party/s : Mr.Damodar Prasad Tiwary

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

3 26-08-2020 Heard both sides through Video Conferencing.

The petitioner seeks bail in Ajimabad P.S. Case No.1
of 2020 registered under Sections 341, 323, 324, 325, 302 and
34 of the Indian Penal Code.

The informant alleged that while his son was washing
his hands, Chutkun and Santosh assaulted him but the villagers
pacify the matter. On the next day i.e. 05.01.2020 at 7.00 a.m. in
the morning, his son Manoj Kumar had gone to attend the call
of nature but Chutkun Rabidas, Santosh Rabidas, Cheena
Rabidas, Bharat Rabidas and 2-3 unknown persons
indiscriminately assaulted the son of the informant with lathi,
danda and iron rod. Cheena Rabidas assaulted the son of the
informant with iron rod on his head. The son of the informant
got head injury. The accused persons also assaulted the son of



the informant on his leg and back. The son of the informant became unconscious and fell down. On the same day, the son of the informant died.

The learned counsel for the petitioner submits that the petitioner is of course named in the F.I.R. but no specific allegation of assault is made against the petitioner. Four persons are alleged to have assaulted the deceased with lathi and iron rod. Cheena Rabidas, who is not the petitioner, is alleged to have assaulted the deceased, son of the informant, with iron rod on his head. The doctor found the head injury is the cause of death of the deceased. The petitioner is in custody since 08.01.2020.

Learned A.P.P. opposed the prayer for bail and submitted that injury on both legs of the deceased were also found but the doctor opined that the injuries found on the head is the cause of death. The author of the death is Cheena Rabidas.

Having heard both sides and on perusal of F.I.R. and the case diary, it appears that informant named four persons including the petitioner and it is alleged that they all indiscriminately assaulted his son with lathi and iron rod. The informant specifically alleged that Cheena Rabidas assaulted his son with iron rod on his head. From perusal of the post-mortem



report, it appears that legs of the deceased was also fractured but on account of injury found on the head, the deceased died.

Taking into consideration the facts aforesaid and the fact that petitioner is in jail for about eight months, let the petitioner, above named, 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 the learned C.J.M., Bhojpur at Ara in connection with Ajimabad P.S. Case No.1 of 2020.

(Prabhat Kumar Jha, J)

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