

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20037 of 2020

Arising Out of PS. Case No.-374 Year-2018 Thana- TAJPUR District- Samastipur

RAM DARSHAN RAI S/O Late Shyam Sundar Rai Resident of Village -
Darha, P.S. - Tajpur (Halai O.P.), District - Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Alok Kumar Alok
For the State : Mr.Anil Kumar, APP

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 03-09-2020 Due to COVID-19 Pandemic, the matter is being taken up
by way of virtual Court proceeding.

The matter has been listed under the heading “For Orders”
under the orders of Hon’ble the Chief Justice.

Heard learned counsel for the petitioner and learned APP for
the State.

The petitioner seeks bail in a case for the offence registered
under Sections 341, 323, 324, 307, 302, 379, 504/34 of the Indian
Penal Code.

Prosecution case in short is that 27 named along with other
accused persons came at the house of informant and started to abuse.
Accused Munshi Rai said that they have filed a case for demanding
Rupees one lakh from them now kill all of them. Thereafter accused
Sanjay Rai hit on the head of deceased by Gadansa and the petitioner



attacked the deceased with Spear. Thereafter, all the accused persons hit the uncle of the informant with intention to kill him. It is also alleged that some gold and cash was looted away in the incident. In course of treatment, the mother of the informant succumbed to the injuries.

It has been submitted on behalf of the petitioner that the petitioner has got no criminal antecedent. There is no allegation of tampering of witnesses alleged against the petitioner. Charge sheet/Prosecution report in this case has already been submitted. The petitioner is in custody since 13-01-2020. As per the allegation made in the FIR, the co accused namely, Sanjai Rai is said to have given Gadansa blow on the head of the deceased. So far petitioner is concerned, he is alleged to have given Spear blow on the head of the deceased causing penetrating wound.

From perusal of the postmortem report, it appears that there is single external injury on the head of the deceased and the said injury is said to have been caused by hard and blunt substance. The allegation made against the petitioner in the FIR does not corroborate with the postmortem report. The number of witnesses examined in course of investigation, had made no allegation against the petitioner for assaulting the deceased.

On behalf of the State, it is submitted that the petitioner is named in the Complaint Case/F.I.R.

Considering the aforesaid facts and circumstances of the case



and also the lockdown, let the petitioner, above named, be released on bail on his personal bond to the satisfaction of learned Additional Chief Judicial Magistrate, Samastipur in connection with Tajpur (Halai O.P.) P.S. Case No. 374 of 2018.

Once the normalcy is restored, the petitioner shall furnish bail bonds of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each within a period of seven weeks to the satisfaction of the court concerned in connection with the aforesaid case.

(Sudhir Singh, J)

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