

**IN THE HIGH COURT OF JUDICATURE AT PATNA  
CRIMINAL MISCELLANEOUS No.21380 of 2020**

Arising Out of PS. Case No.-372 Year-2019 Thana- HISUWA District- Nawada

Sarju Prajapati @ Saryu Pandit @ Sarju Rajbansi @ Suraj Prajapati, Male, 63 years, Son of Bundel Prajapati, Resident of Village Fatehpur, P.S. Hisua, District Nawada.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Sidhendra Narayan Singh

For the Opposite Party/s : Mr. Nand Kishore Prasad, APP

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

3      09-09-2020                      Heard both sides through video conferencing.

The petitioner seeks bail in Hisua P.S. Case No.372 of 2019, registered under Sections 147, 148, 323, 341, 307 and 149 of the Indian Penal Code. Later on Section 302 of the Indian Penal Code was added vide order dated 18.09.2019 after death of the deceased, Amarnath Goswami.

In sum and substance, the informant, ASI of Hisua Police Station disclosed that he got information on telephone that some villagers were assaulting a person calling him child thief. When the informant after having received such information went to the place of occurrence, the villagers disclosed the name of Santosh Pandit, Pappu Pandit, Sandip Pandit, Om Prakash Pandit, all sons of Krishna Pandit, Sarju



Prajapati, Kailash Yadav, Suresh Yadav and many others. The police took the possession of the injured who disclosed his name as Amarnath Goswami @ Basuki Nath but since his condition was very serious, he was referred to the hospital for treatment but he died during treatment.

Learned counsel for the petitioner submits that the informant is not an eye witness of the occurrence. The informant came to know about the names of the accused persons who were assaulting the deceased from the villagers but the informant did not disclose the name of the person who informed him about the names of the assailants of the deceased. It is further submitted that the petitioner is in jail for last more than seven months. Similarly situated co-accused, Kailash Yadav has already been enlarged on bail by order dated 28.08.2020, passed in Cr. Misc. No.18452 of 2020. The case of the petitioner stands on the same footing.

Mr. Nand Kishore Prasad, the learned Additional P.P. opposed the prayer for bail.

Perused the records. It appears that the informant disclosed that he came to know about the named accused persons from the villagers but during the course of investigation, it appears that the Investigating Officer did not take the



statement of any of the villagers with regard to the persons who were assaulting the deceased. Similarly situated co-accused, namely, Kailash Yadav has already been granted bail.

Taking into consideration the facts aforesaid, petitioner, namely, Sarju Prajapati @ Saryu Pandit @ Sarju Rajbansi @ Suraj Prajapati is directed to 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., Nawada in connection with Hisua P.S. Case No.372 of 2019.

**(Prabhat Kumar Jha, J)**

S.KUMAR/-

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