

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25871 of 2020

Arising Out of PS. Case No.-751 Year-2019 Thana- JAKKANPUR District- Patna

ABHISHEK KUMAR S/o Ram Anuj Ray @ Ram Manoj Yadav Resident of
Village-Gobar Toli, Chandpur Bela, Jakkanpur, District-Patna.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Binod Murari Mishra

For the Opposite Party/s : Mr. Binod Kumar

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

5 03-12-2020 Heard Mr. Krishna Prasad Singh, the learned senior
counsel for the petitioner, and the learned APP.

The matter has been taken up through video
conferencing.

The petitioner seeks bail in Jakkanpur P.S. case No.
751/ 2019 registered u/s 147, 148, 149, 341, 342, 307, 302, 323
of the IPC.

The informant named six persons and alleged that on
13.11.2019 at about 3 AM he along with his cousin, Ankit
Kumar, aged about 14 years, had gone to see Jagran held in
Purandarpur field. While they were watching Jagran some
dispute arose for sitting on the chair. The accused persons took
him and his cousin near a shop situated in Chandpur Bela and
they started assaulting the informant and his cousin with stick.
After having received information family members of the
informant came thereafter the accused persons, including the
petitioner, fled away. The informant further alleged that the
accused persons indiscriminately assaulted the informant and



his cousin. The cousin of the informant died during the course of treatment.

The learned senior counsel for the petitioner submits that informant named six persons, namely, Abhishek Kumar, Bhullu @ Bhola, Chhotu, Chhotu @ Chai, Aman and Ranjit and made omnibus and general allegation of assault. It is further submitted that prayer for bail of one of the co-accused Chotu has already been rejected by a coordinate Bench of this court vide order passed in Cr. Misc. No. 21050/2020 for the present. The petitioner is in custody since 15.11.2019. The petitioner has already remained in jail for more than one year. It is submitted that during the course of investigation witnesses have stated that six named accused persons and many other unknown persons assaulted the deceased and the informant. From perusal of post mortem report it would appear that the deceased got one injury on his head but the informant did not disclose this fact that anybody named in the FIR assaulted the brother of the informant with stick on his head. It is submitted that it is a case of mere scuffle between two sides for sitting on the chair and there is every possibility that the deceased got injury on account of fall. No other injury on any part of the body save and except head is found on the person of the deceased although the petitioner and others are alleged to have assaulted the deceased all around his body.

The learned APP, however, opposed the prayer for bail.

Perused the FIR and the case diary.

The informant named six persons in the FIR and alleged that they indiscriminately assaulted his brother who died during the course of treatment. From perusal of post mortem



report, it appears that only one injury on head was found and on account of injury on head the deceased died. The petitioner and other accused persons are alleged to have indiscriminately assaulted the deceased but only one injury on the head in post mortem report was found. There appears no such intention on the part of the petitioner to assault the deceased to kill him as the occurrence took place due to sitting on the chair.

Considering the facts aforesaid and the nature of allegation made against the petitioner and the fact that petitioner has remained in jail for more than one year, the petitioner, above named, is directed to be enlarged on bail on his furnishing bail bond of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate, I, Patna in connection with Jakkanpur P.S. case No. 751/2019.

(Prabhat Kumar Jha, J)

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