

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32113 of 2020

Arising Out of PS. Case No.-44 Year-2020 Thana- BHAGWANGANJ District- Patna

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1. Ravi @ Jitendra Kumar Son of Umesh Ram Resident of Village- Belauna, P.S.- Bhagwanganj, District- Patna.
 2. Rajni Kant Son of Awadhesh Ram Resident of Patut, Police Station- Rania Talab, District- Patna.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioners : Mr. Gajanan Mishra, Advocate
For the Opposite Party : Mr. Ram Sevak Choudhary, APP

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL ORDER

2 10-12-2020 Heard learned counsel for the petitioners and learned Additional Public Prosecutor for the State via video conferencing.

2. The petitioners have filed the present application under Sections 439 and 440 of the Code of Criminal Procedure for grant of bail in connection with Bhagwanganj P.S. Case No.44 of 2020 registered under Sections 323,341,354-B, 307,302/34 of the Indian Penal Code.

3. As per the prosecution case, one Vikash Kumar had teased the daughter-in-law of the informant while she had gone in the field to attend the call of nature. When the victim daughter-in-law came back to her house, she disclosed



the entire incident to her mother-in-law. Thereafter, other family members went to the house of Vikash Kumar to inquire about the matter. It is further alleged that Vikash Kumar, Rahish Kumar, Sangeeta Kumari, Ravi @ Jitendra Kumar (petitioner no.1), Bittu Kumar and Rajanikant (petitioner no.2) dragged the nephew of the informant, namely, Pankaj Kumar inside the house and assaulted him with *lathi* as a result of which he sustained injury over his head. In the meantime, Munna Ram started fleeing away, but Vikash Kumar chased him and assaulted him with sword on his head as a result of which he fell down with bleeding injuries over his head. When the informant and others reached there, they found him in unconscious condition. Both the injured were taken to Sadar Hospital, Masaurhi where the doctor declared Munna Ram brought dead.

4. Learned counsel appearing for the petitioners submitted that as far as the petitioners are concerned, there is general and omnibus allegation against them to have assaulted one Pankaj Kumar. He contended that though, in the first information report, the allegation of assault upon Pankaj Kumar is made against altogether six persons, the injury report as contained in Annexure-2 of the present application issued by the doctor, who examined Pankaj Kumar, would show that he had



sustained only one lacerated injury on his head, which is simple in nature. He further contended that so far as the assault upon the deceased Munna Kumar is concerned, the same is confined against co-accused Vikash Kumar. He contended that the allegation of outraging modesty of the daughter-in-law of the informant is confined against co-accused Vikash Kumar only. According to him, neither the ingredients of the offence alleged under Section 354-B of the Indian Penal Code nor the ingredients of the offence alleged under Section 302 of the Indian Penal Code would be attracted against the petitioners. Lastly, he contended that the petitioners are agnates of the informant and have got no criminal antecedent and their names have been given in the FIR simply because they happen to be the family members of co-accused Vikash Kumar.

5. Learned counsel appearing for the State has opposed the application for grant of bail to the petitioners. He contended that so far as the petitioners are concerned, they are also alleged to have assaulted the injured Pankaj Kumar. He submitted that only because a single injury was found on the person of Pankaj Kumar, it cannot be said that the petitioners were not responsible for causing injury to him. He also contended that though the allegation of assault upon the



deceased is confined to Vikash Kumar, the chain of circumstance would show that the petitioners were sharing common intention.

6. Having heard the parties and perused the materials on record, since the allegations made against the petitioners are general and omnibus causing injury to Pankaj Kumar and said Pankaj Kumar had sustained only one injury, they are directed to be released on bail on furnishing bail bond of Rs.10,000/- (Rupees ten thousand) each with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, 1st Class, Masaurhi, Patna in connection with Bhagwanganj P.S. Case No.44 of 2020.

7. Since the court proceedings are being conducted through virtual mode and normal court functioning has not been restored till date, it is considered appropriate to adopt the following procedure for communication of the present order:-

- (i) The order, which has been dictated during the course of proceeding of the virtual court, shall be communicated to me on my e-mail by the Senior Secretary.
- (ii) The corrected copy of the order shall be



transmitted by me from my e-mail id to the Senior Secretary, which shall be treated to be an authentic copy of the order passed by this Court in the present proceeding.

- (iii) Hard copy of the order duly signed by me shall be preserved in my residential office for documentation and future use, if any.
- (iv) Let steps be taken by the Senior Secretary/registry for up-loading of the present order without compromising with the norms of social distancing.

(Ashwani Kumar Singh, J)

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