

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35227 of 2020

Arising Out of PS. Case No.-408 Year-2020 Thana- MASHRAK District- Saran

1. BHOLA RAY S/O LATE DEGA RAI Resident of Village- Harpur Jan, P.S.- Mashrak, District- Saran.
2. GUDDU KUMAR YADAV @ GUDDU RAI son of Subhash Rai Resident of Village Harpur Jan, P.S.- Mashrak, District- Saran.
3. Nandesh Ray son of Late Janki Ray Resident of Village Harpur Jan, P.S.- Mashrak, District- Saran.

... .. Petitioners.

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Rajendra Narain, Senior Advocate.
		Ms. Anju Kumari @ Anju Narain, Advocate.
For the Opposite Party/s	:	Mrs. Indu Kumari Srivastava, APP

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 23-12-2020 Heard learned senior counsel for the petitioners and
learned APP for the State.

Since the physical court proceeding is non-functional,
due to present pandemic, COVID-19, the matter is listed with
defects.

Learned counsel for the petitioners undertakes to
remove the defects within three weeks of resumption of physical
court proceeding. In the eventuality of non-removal of defects
within undertaken period, the office will place the matter before
the Bench.

The petitioners seek bail in a case registered for the



offence punishable under Sections 147, 148, 149, 188, 341, 323, 307, 324, 325, 504 & 506 of the Indian Penal Code and later on Section 302 IPC was added.

The prosecution case, in brief, is that on 18.07.2020 at around 5 PM goat of Sahadat Alam was grazing went to the paddy field of Sudish Ray at which Sudish Ray is said to have abused Sahadat Alam which was objected by Sahadat Alam. At this Sudish Ray allegedly started giving fat blows to Sahadat Alam. Seeing this, the informant and his co-villagers Sarfuddin, Babuddin and Rojaddin Miyan rushed there and they also got abused. It is further said that on hearing 'hulla' many others named in the 'fardbeyan' numbering about a total of 18, and 8 to 10 others not named, reached there armed with lathi, danda and rod assaulted the prosecution party in which Babuddin and Rojaddin Miyan were badly injured. It is further said that seeing this, co-villagers Raj Ahmad, Mainuddin Miyan, Sadam Alam and Sona Alam rushed to save the prosecution party but they were also assaulted and got injured. The nearby people took them for treatment to the Primary Health Centre, Mashrak where they were treated but Rojaddin Miyan and Babuddin Miyan were referred to Sadar Hospital, Chapra for further treatment. The cause of occurrence is attributed to the grazing of



paddy field by the goat and earlier dispute due to bathing of children in the rivulet by jumping from the small culvert built over the siphon.

It is submitted by learned counsel for the petitioners that no such occurrence as alleged ever took place. They are quite innocent have been falsely implicated in the case on concocted allegations only to save their skin from the Mashrak P.S. Case No.407 of 2020 registered for various offence against the prosecution party of the case under hand. Petitioners are not named and no overt act has been attributed against them. It is further submitted that as alleged in the F.I.R. and also appearing from the injury reports, two persons, namely, Babuddin Miyan and Rojaddin Miyan were referred to Sadar Hospital, Chapra for better treatment, but they were neither taken to the Sadar Hospital, Chapra nor to the P.M.C.H. nor to any other Government Hospital rather their own to two different private hospitals and were moved from one private hospital to another in Patna and during the course of their said treatments they died much later and their sons, namely, Parvej Alam and Shahabuddin Alam respectively got two separate fardbeyans recorded by the Patna Police on 21.07.2020 and 24.07.2020. It is also submitted that both the fardbeyans recorded at Patna on



the basis of the statements of sons of the deceased reveal a completely different story and in these two fardbeyans petitioners have not at all been named. Petitioners have no criminal antecedent and are languishing in custody since 19.07.2020.

Considering the facts aforesaid, the above named petitioners are directed to be enlarged on bail on furnishing bail bond of Rs.25,000/- (Rupees Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate 1st Class, Saran at Chapra in connection with Mashrak P.S. Case No.408 of 2020.

(Anjani Kumar Sharan, J)

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