

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.35065 of 2020**

Arising Out of PS. Case No.-203 Year-2020 Thana- BELAGANJ District- Gaya

JYOTISH KUMAR Son of Vinod Paswan @ Binod Paswan Resident of
Village - Panari, Police Station - Belaganj and District - Gaya.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Manish Kumar No.2, Adv.

For the Opposite Party/s : Ms. Pushpa Sinha, APP

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

2 23-12-2020 Learned counsel for the petitioner undertakes to
remove all the defects as pointed out by office within four
weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner and Ms.
Pushpa Sinha, learned A.P.P. for the State.

Petitioner in the present case is seeking regular bail in
connection with Belaganj P.S. Case No.203 of 2020 registered
for the offences punishable under Sections 147, 149, 341, 323,
307 and 302 of the Indian Penal Code.

Learned counsel for the petitioner submits that as per
the prosecution story the son of the informant together
with one companion was returning home on his motorcycle
stopped near Panari High School at the hand-pump for taking
water. It is alleged that in the meantime the villagers of Panari



village who were returning after playing cricket started abusing the son of the informant and they indulged in assaulting him. After the said assault when the informant reached the alleged place of occurrence together with his co-villager Tuntun Yadav and neighbouring persons they found altogether 10 named accused persons were assaulting the son of the informant by bat, wickets and by giving leg and fists blow. So far as this petitioner is concerned, it is alleged that he was one amongst those who were assaulting the son of the informant by bat and wickets. It is submitted that the allegation of assault by bat and wickets have been made against five accused persons and thereafter another five accused had allegedly assaulted the son of the informant by leg and fists.

Learned counsel has then pointed out from Annexure-2 which is the postmortem report of the deceased that on external examination the doctors found only two ante-mortem injuries on the whole body of the deceased and those have been caused in the temporal area of head and on the eyebrow. Learned counsel submits that it is not possible that 10 persons will assault the son of the informant and only two injuries would be caused that too on a particular part of the body and nowhere else. It is submitted that this shows a case of over-implication of



the accused.

Ms. Pushpa Sinha, learned APP for the State has though opposed the prayer for regular bail of the petitioner, considering the facts and circumstances of the case that there are only general and omnibus kind of allegations against all the accused, no specific assault has been attributed to this petitioner and the postmortem report is showing only two ante-mortem injury on the particular part of the body, the petitioner has remained in jail in connection with this case since 07.07.2020, investigation against him is complete and there is no submission on behalf of the State that his release at this stage is likely to result in tampering with the evidence or interfering with the course of trial, the petitioner has otherwise no criminal antecedent, let the petitioner above named be released on bail on furnishing of bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-XIth, Gaya in connection with Belaganj P.S. Case No.203 of 2020, subject to the condition as laid down under Section 437 (3) Cr.P.C. as under :

(a) that such person shall attend in accordance with the conditions of the bond executed under this Chapter,



(b) that such person shall not commit an offence similar to the offence of which he is accused, or suspected, of the commission of which he is suspected, and

(c) that such person shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence.

And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner.

And further condition that he will abide by and observe the guidelines and directives of the Government of India and the State Government with regard to COVID-19 Pandemic.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

