

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67803 of 2019

Arising Out of PS. Case No.-612 Year-2016 Thana- HAJIPUR District- Vaishali

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PRAKASH KUMAR S/o Birendra Kumar @ Shivjee Rai R/o village-
Lodipur, Ward No. 31, P.S.- Hajipur Town, District- Vaishali at Hajipur
... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s :	Mr. Ramakant Sharma, Sr. Advocate
	Mr Manmohan Kumar, Advocate
For the Opposite Party/s :	Mr. Shyam Kumar Singh, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

4 04-03-2020 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner seeks bail in a case registered for the offences punishable under Sections 448, 147, 148, 149, 341, 323, 352, 307, 504, 506, 302 of the Indian Penal Code and Section 27 of the Arms Act.

According to FIR, the petitioner assaulted to the father of the informant with iron rod causing injury at his head which resulted in profuse bleeding and subsequent death. Co-accused Vikash Kumar assaulted to the informant with butt of his rifle causing injury at his head.

Learned counsel for the petitioner submits that besides the informant, there is no other eyewitness of the occurrence. There is case and counter case. Investigation of the



case is already complete against the petitioner and there is no injury report of the informant even to suggest that informant was an eyewitness of the occurrence. Another brother of the informant, namely, Ranjan Kumar was examined by the police vide para 20 of the case diary wherein he stated that the petitioner had caused injury to the father with his iron rod and other accused also assaulted to Dharamveer Kumar, the informant of this case. The allegation of commission of assault to Dharamveer Kumar by all other accused is not corroborated by Dharamveer Kumar. The Doctor, who first treated the deceased at 05:20 p.m. on 27.08.2016, found multiple bruises over the scalp and forehead. The opinion of the Doctor on the injury is kept reserved till report of CT Scan.

Learned counsel for the informant opposed the prayer for bail on the basis of material aforesaid and direct allegation against the petitioner.

Considering the facts that prosecution allegation is not consistent with the medical report nor it is supported by any other eyewitness of the occurrence, especially, when there is case and counter case, let the petitioner, above named, who is in custody since 22.07.2019, be released on bail on furnishing bail bond of Rs.20,000/- (Rupees Twenty Thousand) with two



sureties of the like amount each to the satisfaction of learned Court below where the case is pending in connection with Hajipur Town Police Station Case No. 612 of 2016, subject to the following conditions:-

(a) The petitioner shall fully cooperate with the investigation/trial of the case, failing which the learned court below shall be at liberty to cancel the bail bond of the petitioner.

(b) Both the bailors shall be resident of the territorial jurisdiction of the learned court below.

(c) The petitioner shall not leave the country without permission of the learned trial court.

(Birendra Kumar, J)

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