

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.76186 of 2019

Arising Out of PS. Case No.-36 Year-2019 Thana- NTPC District- Patna

Sanjay Prasad @ Sanjay Mahto Son of Sri Ramchandra Mahto, Resident of
Village- Chaknawada, P.S.- N.T.P.C., District- Patna.

... .. Petitioner

Versus

The State of Bihar.

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Ajay Kumar Thakur, Advocate

Mr.Udhav, Advocate

For the Opposite Party/s : Mr.Sanjay Kumar Tiwary, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD

ORAL ORDER

3 07-01-2020 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

Petitioner in the present case is seeking regular bail in connection with N.T.P.C. P.S. Case No. 36 of 2019 registered for the offences punishable under Sections 337, 338, 307, 302/34 of the Indian Penal Code.

Learned counsel for the petitioner submits that on perusal of the First Information Report it would appear that on the alleged date of occurrence when the informant was carrying on the construction work of his house, he had an altercation with his neighbour Nawal Prasad. It is alleged that on such altercation the neighbour Nawal Prasad and his Bhagina Sanjay Prasad (the petitioner) and two unknown women had started



throwing bricks and stones with which father of the informant sustained injury. He was taken to the local doctor at Barh and thereafter at Patna but when there was no improvement he was admitted to P.M.C.H. where his condition also did not improve then he was admitted in another hospital and ultimately in course of treatment his father died.

Learned counsel submits that in course of postmortem only one head injury has been found by the doctor, therefore, the prosecution story that the neighbour Nawal Prasad, this petitioner and two women had been throwing bricks and stones are general and vague in nature and there being no specific allegation causing injury against the petitioner, the petitioner may be enlarged on bail. He is in custody since 09.08.2019, now the investigation is complete and the charge-sheet has already been filed. It is also submitted that prior to the lodgment of this case the daughter of the neighbour Nawal Prasad had lodged one FIR against the informant side being N.T.P.C. P.S. Case No. 30 of 2019 dated 23.04.2019 and the daughter of the said Nawal Prasad had sustained injury. In the said case a charge-sheet has been filed against the informant though his name has been wrongly recorded as Amlesh Kumar.

Learned A.P.P. for the State has opposed the prayer for



bail of the petitioner.

Considering the facts and circumstances of the case, wherein there are general and omnibus allegation against the petitioner of throwing bricks and stones but the postmortem report shows only one injury on the head of the deceased and there is no specific allegation of causing such injury against this petitioner who is said to be the Bhagina of neighbour Nawal Prasad and that the investigation of the case is complete, the petitioner having no criminal antecedent, let the petitioner above named be released on bail in connection with N.T.P.C. P.S. Case No. 36 of 2019 on furnishing of bail bond of Rs. 15,000/- (fifteen thousand) with two sureties of the like amount each to the satisfaction of learned J.M. - Ist Class, Barh, 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.

(Rajeev Ranjan Prasad, J)

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