

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71223 of 2019

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

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Nawal Prasad, Son of Late Ram Swaroop Mahto, Resident of Village - Chak
Nawada, P.S.- N.T.P.C., District - Patna

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr.Pravin Kumar, Advocate

For the Opposite Party/s : Mr.Pranav Kumar, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 14-01-2020 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 as per the fardbeyan of the informant recorded on 04.05.2019 before the Police Officer while he was constructing his house, this petitioner being his neighbour and his Bhagina along with other two unknown ladies started pelting stones and bricks in which the father of the informant sustained injuries and he was taken to the local Doctor in Barh and thereafter to Pandarak and again was referred to P.M.C.H., Patna but there was no improvement in his



health then he was shifted to U Medi Emergency Hospital where he ultimately died on 04.05.2019 during the course of treatment.

It is the submission of the learned counsel for the petitioner that on 23.04.2019 the daughter of this petitioner had lodged one F.I.R. against the informant alleging that one of the sons of the deceased had assaulted the daughter of this petitioner as a result whereof she had sustained head injury. The present F.I.R. has been lodged only after 11 days of the alleged occurrence, the matter was not reported to the police before the death of the injured. It is his submission that the allegations are completely vague and general in nature, there is no specific allegation of causing injury against the petitioner and the co-accused Sanjay Prasad has been granted bail by this Bench after considering the general and omnibus kind of allegations and that that the investigation is complete against the petitioner, in this case the petitioner is in custody since 02.07.2019 and only head injury cannot be attributed to this petitioner in view of the general and omnibus allegations.

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

Considering the facts and circumstances of the case and the submission that there is general and omnibus allegations, F.I.R. was lodged after 11 days and only head injury cannot be



specifically attributed to this petitioner, in the nature of the submission, 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 Sri P.K. Tiwari, learned Judicial Magistrate 1st 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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