

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.75077 of 2019

Arising Out of PS. Case No.-181 Year-2019 Thana- KRITYANAND NAGAR District-
Purnia

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Rocket Rishi Son of Pakori Rishi Resident of Village-Gangeli, Ward No.07,
P.S.-K.Nagar, (Maranga), District-Purnia.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bijendra Kumar Singh
For the Opposite Party/s : Mr. J.N. Thakur, APP

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

3 05-06-2020 The matter has been taken up through virtual court
proceeding.

Heard learned counsels for the petitioner and the
State.

The petitioner, who is languishing in custody since
27.05.2019, has preferred the present application for grant of
bail in a case registered for the offence punishable under Section
302 of the IPC.

The prosecution case, as per the written report of
Prasadi Rishi, submitted to the S.H.O., Maranga Police Station
is to the effect that on 12.01.2019, while the daughter of the
informant, Meena Devi was sleeping at her Varandah the
petitioner, Rocket Singh, in the background of land dispute,



assaulted her. The occurrence was witnessed by the grand son of the informant. On his alarm being raised, neighbouring people came and found the daughter of the informant dead. The informant enquired from his grand son, he conveyed him that the petitioner brutally assaulted the informant's daughter, leading to registration of the FIR.

It is submitted by learned counsel for the petitioner that in the background of land dispute, the accusation has been levelled. The informant is not the eye-witness to the alleged occurrence rather the grand son and daughter of the informant conveyed him about the alleged occurrence. The postmortem report does not reflect any external or internal injury on the body of the victim, as a result, viscera was preserved, but without obtaining the viscera report, chargesheet has mechanically been submitted, statement to that effect has been made in paragraph no. 15 and 16 of the petition. It is further submitted that in fact there is no eye-witness to the alleged occurrence nor any direct evidence has been collected during investigation. The investigation has already been concluded and a statement has been made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent.

Learned counsel for the State submits that in the



background of land dispute, strong suspicion has been raised against the petitioner.

Considering the fact that medical opinion completely negates the prosecution version, investigation already being concluded and the fact that the petitioner is not having any criminal antecedent, let the petitioner above named be released on bail for the present provisionally for a period of three months on furnishing one surety to the satisfaction of the learned 4th Additional Sessions Judge, Purnea in connection with S. Tr. No. 285 of 2019, arising out of K. Nagar (Maranga) P.S. Case No. 181 of 2019.

However, in view of the present pandemic COVID-19, it will be open for the learned Court below to accept the bail bond on furnishing an undertaking by the surety, on photo copy of his Aadhar Card to the effect that he is ready to become the bailor of the petitioner which may be transmitted by such surety to the learned Court concerned through e-mode.

The provisional bail of the petitioner will be confirmed by the learned Court below within three months on furnishing bail bond of Rs.10000/- (ten thousand) with two sureties including one surety given at the time of provisional bail of the like amount each to the satisfaction of learned 4th



Additional Sessions Judge, Purnea in connection with S. Tr. No. 285 of 2019, arising out of K. Nagar (Maranga) P.S. Case No. 181 of 2019.

The learned Court below will be at liberty to extend the further period of provisional bail if the lockdown is not over in next three months.

(Dinesh Kumar Singh, J)

Amrendra/-

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