

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.79694 of 2019

Arising Out of PS. Case No.-179 Year-2018 Thana- JHANJHARPUR District- Madhubani

RAUSHAN KUMAR SINGH, age 23 years, Male, S/o Late Ram Lakhan Singh @ Munni Singh, Resident of Nawani, P.O. and P.S.- Jhanjharpur, District- Madhubani, Bihar.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner	:	Mr.Amrendra Kumar, Advocate.
For the State	:	Mr.Ram Naresh Ray, A.P.P.
For the Informant	:	Mr. Kamendra Prasad Singh, Advocate.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 16-03-2020 Heard learned counsel for the petitioner, learned counsel for the informant and learned counsel for the State.

The petitioner seeks bail in a case for the offence registered under Sections 143, 448, 341, 342, 323, 324, 307, 504 and 506 of the IPC. Later on, Section 302 of the IPC was also added.

The prosecution story, in brief, is that on 23.12.2018 at about 9.00 A.M., Pankaj Kumar Singh, Raushan Kumar Singh (petitioner), Shanti Devi, Radha Kumari and Rani Kumari came at the door of the informant and started abusing his father and asked him that why he was fishing from the pit. When he replied that he has always been fishing from the pit, upon which, after dragging his father on the road, Raushan Kumar Singh



(petitioner) assaulted his father with *Tengari* on his head and ears. Co-accused Pankaj Kumar Singh assaulted with *Farsa* on the shoulder of the informant's father as a result of which he fell down on the road. Thereafter, all the people started beating his father recklessly in order to kill him. The informant's father was admitted to Jhanjharpur Sub Divisional Hospital, then D.M.C.H. Darbhanga thereafter he was referred to *Shubh-Shubham* Hospital, Patna where he died during treatment on 28.12.2018.

It has been submitted by learned counsel for the petitioner that the petitioner is languishing in custody since 24.12.2018. The petitioner has got no criminal antecedent. Charge sheet has been submitted in the present case. There is no allegation of tampering with the witnesses alleged against the petitioner. The petitioner has falsely been implicated in the present case due to previous enmity. There is no substantial evidence to suggest the implication of the petitioner in the present case. Earlier the case was instituted for an offence under Section 307 and other allied sections of the IPC but after death of the deceased, Section 302 of the IPC has been added.

On behalf of the State and the informant, it is submitted that the petitioner is named in the F.I.R. There is specific allegation against the petitioner for assaulting with



Tengari on the head of the deceased. The injury report as well as postmortem report also corroborates the allegation made in the F.I.R.

Considering the aforesaid facts and circumstances, I am not inclined to grant bail to the petitioner. The same is rejected in connection with Jhanjharpur (Arariya Sangaram) P.S. Case No. 179 of 2018, G.R. No. 1705 of 2018, pending in the court of learned Additional Chief Judicial Magistrate-Ist, Jhanjharpur, Madhubani.

The court below is directed to take all necessary steps to conclude the trial within a period of nine months from the date of receipt/production of copy of this order.

(Sudhir Singh, J)

U.K./-

U		T	
---	--	---	--

