

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.86635 of 2019

Arising Out of PS. Case No.-98 Year-2019 Thana- MAHINDWARA District- Sitamarhi

Shiv Bachchan Rai @ Shiw Bachan Ray @ Shivbachan Son of Hanslal Ray
Resident of Village- Bakharpur, P.S.- Mahindwara, District- Sitamarhi.

... .. Petitioner

Versus

The State Of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr.Ashhar Mustafa, Advocate
For the Opposite Party : Mr.Ajay Kumar, APP

CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL ORDER

3 19-03-2020 Heard learned counsel for the petitioner, learned
counsel for the State and learned counsel for the informant.

The petitioner seeks bail in connection with
Mahindwara P.S. Case No.98 of 2019 registered under Sections
147, 148, 149, 341, 323, 324, 307, 302, 504 and 506 of the
Indian Penal Code.

It is submitted by learned counsel for the petitioner
that though the informant claims himself to be an eye witness,
he is not a witness to the occurrence. He has alleged that the
deceased was assaulted by 12 armed persons, but only two ante
mortem injuries were found on the person of the deceased by
the doctor who had conducted the post-mortem examination on
his body which would make it clear that the allegations have



been made against the accused persons out of previous enmity. It is further contended that the petitioner is an old man aged about 65 years and being a law abiding citizen, he voluntarily surrendered before the court and his custodial interrogation is no more warranted as the investigation of the case is complete.

Learned counsel for the State and learned counsel for the informant have vehemently opposed the prayer for grant of bail to the petitioner. They have submitted that specific case against the petitioner is that it was he who had assaulted with *farsa* on the head of the deceased and the post-mortem report would suggest that the deceased had sustained stitch wound on his forehead.

In reply, learned counsel for the petitioner submitted that the allegations against the petitioner is of assault with *farsa*, but the doctor, who conducted the post-mortem examination found injuries to have been caused by hard and blunt substance. He has further submitted that as far as other 11 accused persons are concerned, there is general and omnibus allegation against them that they were variously armed with *lathi* and *danda*, etc. and they all had indiscriminately assaulted the deceased.

Regard being had to the facts and circumstances of



the case and the submissions made above, the petitioner is directed to be released on bail on furnishing bail bond of Rs.10,000/- (rupees ten thousand only) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Sitamarhi in connection with Mahindwara P.S. Case No.98 of 2019.

(Ashwani Kumar Singh, J)

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