

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18231 of 2021

Arising Out of PS. Case No.-66 Year-2020 Thana- RUPAULI District- Purnia

1. Ashish Kumar S/o Bhajan Ravi Das R/o village- Mohan Pur, P.S.- Rupauli, District- Purnea
2. Ravi Kumar S/o Bhajan Ravi Das R/o village- Mohan Pur, P.S.- Rupauli, District- Purnea

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vijay Shankar Shrivastava

For the Opposite Party/s : Ms. Renu Kumari

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 01-12-2021 Heard learned counsel for the petitioners and learned
A.P.P for the State.

The petitioners seek bail in Rupouli P.S. Case No. 66 of 2020 corresponding to Sessions Trial No. 150 of 2020, registered for the offence punishable under Sections 302, 307 and other allied sections of the Indian Penal Code.

As per the prosecution case, on 15.05.2020 at about 9.00 am while the informant was discussing with his wife in front of his house, one Ashish Kumar having Grocery Shop in front of house of informant misunderstood the matter and thought that informant was scolding him. Ashish Kumar Petitioner no. 1 became angry and from his shop he came



towards the informant with a bamboo in his hand and assaulted the informant, but unfortunately, the bamboo hit the father of informant on his head, as a result of which he became injured. In the meantime, Ravi Kumar Petitioner no. 2, Sajan Kumar Das, Bina Devi also came there having lathi, danda in their hand and started abusing and assaulting his father, when the informant came to save he was also assaulted by them. Informant took his father to the hospital and during course of treatment, informant's father died.

It is submitted on behalf of the petitioners that petitioners have falsely been implicated in this case. So far as petitioner no. 1 is concerned, from bare perusal of FIR it appears that due to misunderstanding he assaulted the informant with bamboo stick, but unfortunately, bamboo hit the father of informant and there was no motive or intention to kill the father of informant. So far as petitioner no. 2 is concerned, there is general and omnibus allegation. Similarly situated co-accused Bina Devi has been granted anticipatory bail by the court below itself. Petitioners are in custody since 17.05.2020 having no criminal antecedent.

Learned APP however, vehemently opposed the prayer for bail and submitted that there is specific allegation of



assault against this petitioner, as a result of which informant's father died.

Considering the facts aforesaid and the nature of allegation, I am not inclined to enlarge the petitioners above-named on bail. Accordingly, the same is rejected.

(Prabhat Kumar Singh, J)

vinita/-

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

