

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19537 of 2021

Arising Out of PS. Case No.-94 Year-2020 Thana- BHABHUA District- Kaimur (Bhabua)

SANTOSH PRASAD GOND @ CHHAGANU Son of Late Paras Gond
Resident of Village - Ward no.17, Bhabhua, P.S.- Bhabhua, Dist.- Kaimur.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s	:	Mr. Sudama Singh, Advocate Mr. Surendra Kumar Mishra, Advocate
For the Informant	:	Mr. Satyendra Pandey, Advocate
For the Opposite Party/s	:	Mr. Arvind Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

4 28-10-2021 Heard Mr. Sudama Singh, learned counsel for the petitioner, assisted by Mr. Surendra Kumar Mishra, learned Advocate, learned counsel for the informant and Mr. Arvind Kumar Pandey, learned A.P.P. for the State.

Petitioner, in the present case, is seeking regular bail in connection with S. Tr. No. 57/2020 arising out of Bhabhua P.S. Case No. 94 of 2020 registered for the offences punishable under Section 341, 323, 324, 379, 504, 506/34 of the Indian Penal Code and subsequently Section 307 and 302 I.P.C. was added. He is in custody since 22.02.2020. Petitioner has got one criminal antecedent under the Bihar Prohibition and Excise Act, as stated in paragraph '3' of the application, in which he is on bail.



Learned counsel for the petitioner submits that in this case initially the F.I.R. was lodged under some minor provisions of the Indian Penal Code, but subsequently Sections 307 and 302 of the I.P.C. were added. The allegation against the petitioner is that he along with co-accused Niraj Prasad Gond had assaulted the deceased from behind by a screw driver (pechcus). It is alleged that, after the said assault co-accused Niraj Prasad Gond had assaulted the deceased on his head by a Pilas, whereafter he fell down on the earth. It is alleged that thereafter co-accused Shiv Prasad Gond @ Bacha and Vijay Gond both started assaulting the deceased by lathi-danda and when the informant reached there to save her husband, she was also pull down by her hair and her golden chain was snatched away.

Learned counsel for the petitioner submits that in this case the injured died 11 days after the alleged occurrence due to Septicemia. The post-mortem report reveals a compressed swelling 15x12 cm over top of the head on parietal-occipital area whereas the allegation against this petitioner is that he along with the co-accused had given a blow from the backside by a screw driver, thereafter the co-accused Niraj had assaulted on the head of the deceased by a Pilas, therefore apparently the



injury no. 1 which is on the top of the head may have been caused only by Pilas. Learned counsel submits that no injury has been reported in the post-mortem report on the backside of the head near the neck. The other two injuries are on the front of left forearm touching to left elbow joint and multiple grudge abrasion over upper and lower back of both buttocks.

It is his further submission that co-accused Shiv Prasad Gond has been granted bail by learned coordinate Bench of this Court in Cr. Misc. No. 30944/2020 (Annexure '2').

Learned counsel for the informant as well as learned A.P.P. for the State have though opposed the prayer for bail of the petitioner but looking to the post-mortem report learned counsel for the informant agrees that the injury no. 1 is at the top of the head and it is a compressed kind of injury which may have been caused by the subsequent blow given by co-accused by a Pilas.

Having regard to the facts and circumstances of the case wherein though it appears to the court that the allegation is that of assaulting the deceased but so far as this petitioner is concerned, there is no allegation against him that he had assaulted the deceased on the top of the head, in the nature of the materials present before this Court, this Court is inclined to



release the petitioner on bail. Let the petitioner be released of the petitioner above named on bail on furnishing of bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned A.D.J.-XI, Kaimur at Bhabhua in connection with S. Tr. No. 57/2020 arising out of Bhabhua P.S. Case No. 94 of 2020, subject to the condition as laid down under Section 437 (3) Cr.P.C.

And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajeev Ranjan Prasad, J)

Rajeev/-

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

