

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24835 of 2021

Arising Out of PS. Case No.-177 Year-2020 Thana- HISUWA District- Nawada

Ravindra Prasad @ Manohar @ Ravindra Yadav Son of Kuldip Yadav @
Kuldeep Yadav Resident of Village- Modibigha, P.S.- Hisua, District-
Nawada.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Arjun Prasad,Adv.
For the Opposite Party/s : Mr.Md. Nazir Ansari,APP
Mr.S.K.Prasad,Adv.

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3. 06-09-2021 Heard learned counsel for the parties through video conferencing.

The petitioner seeks bail in Hisua (Hasua) P.S. Case No. 177 of 2020, registered for the offence under Section 302 / 34 of the Indian Penal Code.

As per the prosecution case, on 06.06.2020 at about 9:00 AM, an altercation took place between the father of petitioner and informant on the point of dispute of drainage, as a result of which, it is alleged that all the FIR named accused persons including this petitioner started assaulting daughter of the informant, which was objected by informant, then all the accused started abusing him and thereafter, this petitioner and others started pelting stones, which hit the eight years old son of



informant on his head and he became senseless and during course of treatment, he (son of informant) died.

It is submitted on behalf of petitioner that the alleged occurrence is said to have taken place on 06.06.2020, but the F.I.R. has been lodged on 08.06.2020. It is further submitted that from bare perusal of F.I.R., it is apparent that there was no intention or motive to kill the son of informant. In fact, a free-fight took place between the parties and son of informant sustained some injuries, as a result of which, he died. After investigation, the police submitted chargesheet under Section 304 / 34 of the Indian Penal Code and petitioner is in custody since 29.12.2020.

However, counsel for the informant vehemently opposed the bail petition and submitted that this petitioner alongwith other FIR named accused persons assaulted the son of informant by stones / bricks, on account of which, he sustained multiple injuries on different parts of his body, including his head, and as such, during course of treatment, he died.

Considering the aforesaid facts and circumstances as well as nature of allegation, period of custody and the fact that police after investigation submitted chargesheet under Section 304 / 34 of the I.P.C., the bail petition of petitioner is allowed.



Let the above named petitioner be released on bail on furnishing bail-bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned C.J.M., Nawada in connection with Hisua (Hasua) P.S. Case No. 177 of 2020, on the following conditions:

“(1) Petitioner shall cooperate in the trial and shall be properly represented on each and every date fixed by the court below and shall remain physically present, as directed by the court below, and on his absence on two consecutive dates without sufficient reason, his bail-bond shall be cancelled by the court below.

(2) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.”

(Prabhat Kumar Singh, J.)

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