

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26328 of 2021**

Arising Out of PS. Case No.-56 Year-2020 Thana- BUNIYAD GANJ District- Gaya

RAJA KUMAR @ RAJ KUMAR @ RAJA BABU S/O NAND LAL
PRASAD R/O VILLAGE-MANPUR, SHIV CHARAN LANE, P.S.-
BUNIYADGANJ DISTRICT-GAYA

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Dr. Anshuman

For the Opposite Party/s : Mr.A.P.P.

**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER**

3 13-09-2021 This matter is taken up for consideration through
Video Conferencing.

Heard learned counsel for the petitioner and the State.

The petitioner prays for grant of bail in Buniyadgang
P.S. Case no. 56/2020 initially, registered for the offence
punishable under sections 341, 448 323, 307/34 of the Indian
Penal Code and subsequently, section 302 of IPC was also
added.

As per prosecution case, this petitioner along with other
FIR named accused forcibly entered into the house of the
informant carrying lathi, hockey stick and stones and started
abusing the informant. On seeing this father of the informant
came to save but he was also assaulted by the accused persons



due to which father of the informant sustained injury and fell down and thereafter, he was taken to hospital where he had suffered brain hemorrhage and later on in course of treatment, died.

It is submitted on behalf of petitioner that the present case is counter blast to the case of Buniyadgang P.S. Case no. 54/2020 which was lodged by petitioner's side on 25.4.2020 and in order to save their skin, present case has been lodged on 26.4.2020. It is further submitted that cause of death was shown as cardio respiratory arrest. Admittedly, there is land dispute between the parties and on the alleged date of occurrence some dispute arose over right of way and both parties indulged in Marpit. It is further stated that the Investigating officer has recorded the statement of the victim who has stated before police that his father was assaulted by the petitioner and he was also assaulted and as such it is submitted that both sides indulged in Marpit over right of way and there is no intention to kill the father of the informant. Moreover, allegation are in general and omnibus against all the accused persons.

Learned counsel for the informant opposed the prayer for bail and submitted that this petitioner along with others assaulted the father of the informant who died in course of



treatment as deceased sustained multiple injuries on vital part of his body. He further submitted that the informant had gone to lodge FIR on the same day but he was taken into custody.

Considering the rival submissions and the materials on the record as well as the fact that this petitioner along with two other accused persons actively participated in the occurrence in which father of the informant sustained injury on vital part of his body and in course of treatment he died, bail application of the petitioner is rejected.

(Prabhat Kumar Singh, J)

s.hassan/-

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