

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30713 of 2021

Arising Out of PS. Case No.-457 Year-2019 Thana- CIVIL LINE District- Gaya

RAJU SAO S/o Late Rambriksh Prasad @ Rambriksha Sao R/o Mohalla-
Bahuar Chaura, P.S.- Civil Lines, District- Gaya.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Surendra Kumar Singh, Advocate

For the Opposite Party/s : Mr. Akshay Lal Pandit, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

5 20-12-2021 Heard Mr. Surendra Kumar Singh, learned counsel
for the petitioner and Mr. Akshay Lal Pandit, learned Additional
Public Prosecutor appearing for the State.

Petitioner seeks regular bail in connection with Civil
Lines P.S. Case No. 457 of 2019 registered for the offences
punishable under Sections 147, 148, 149, 323, 341, 504, 506,
379 and 307 of the Indian Penal Code 1860. Subsequently,
Section 302 of the Indian Penal Code was added.

The allegation as per the First Information Report is
that the petitioner along with other accused persons, altogether
six in numbers, and 10-15 unknown persons, allegedly
assaulted the husband of the informant by means of iron rod
and other weapons of hard and blunt substance, due to which,
he died during course of treatment.



Learned counsel for the petitioner submits that the petitioner has falsely been implicated in this case due to quarrel which had taken place on the point of parking of vehicle during course of fair of *Dussehra* festival. Learned counsel further submits that as per the First Information Report, occurrence has allegedly taken place on 7.10.2019 at about 12 o' clock in the night and on 9.10.2019 the present First Information Report has been lodged.

Learned counsel for the petitioner further submits that the brother of the petitioner has lodged an FIR on 8.10.2019, that the victim as well as the informant along with other family members arrived at the house of the petitioner and assaulted his family members. The victim Ravi Kant Sinha (since deceased), husband of the informant, was taken to hospital in drunken condition by the Sub Inspector of Police, Civil Lines Police Station, Gaya, and the victim was examined on 8.10.2020 by the Doctor at Primary Health Center who found that 9th rib of the victim was fractured and abrasion on his right hand. He next submits that subsequently, the victim was taken to Anugrah Narain Medical College and referring to the Bed Ticket of the said hospital, learned counsel submits, that there also the Doctor has found abrasion over his left leg,



pain and swelling on the right side of the chest and smell of alcohol was coming from the mouth of the victim.

Learned counsel next submits that the Doctor has opined cause of death due to head injury by hard and blunt substance. Accordingly, submission is that the victim (deceased) was found in drunken condition under the influence of liquor and there is a possibility that he might have fallen down and received the head injury. Learned counsel also submits that there is no specific allegation against the petitioner in the First Information Report that he had assaulted the victim by means of iron rod on his head and none of the witnesses has said in this regard against the petitioner during course of investigation. Learned counsel also submits that similarly situated co-accused persons have been granted bail by co-ordinate Benches of this Court in Cr. Misc. 5042 of 2020 and 7793 of 2020 respectively.

Having regard to the submissions made by the parties and taking into consideration the materials available on record, there is no specific allegation of assault on the head of the victim against the petitioner and the fact that similarly situated co-accused persons have been granted bail by co-ordinate Benches of this Court, the petitioner is in custody since



5.12.2020 having no criminal antecedent and charge sheet has already been submitted, I am inclined to grant regular bail to the petitioner.

Accordingly, let the petitioner, above named, be released on regular bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Magistrate, Gaya, in connection with Civil Lines P.S. Case No. 457 of 2019.

It is made clear that at the time of furnishing bail bonds all the parties shall follow the guidelines regarding social distancing.

(Anil Kumar Sinha, J)

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