

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29503 of 2020

Arising Out of PS. Case No.-39 Year-2020 Thana- RAGHUNATHPUR District- Siwan

1. VIDYASAGAR BAITHA @ VIDYASAGAR RAJAK S/o Bishun Baitha Resident of Village-Rajpur, P.S.-Rahgunathpur, District-Siwan.
2. Amit Rajak @ Amit Kumar Rajak S/o Vidyasagar Baitha Resident of Village-Rajpur, P.S.-Rahgunathpur, District-Siwan.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ajay Kumar Pandey
For the Opposite Party/s	:	Mr. Jai Narayan Thakur
For the informant	:	Mr. Sudish Kumar

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

3 01-02-2021 Heard learned Counsel for the petitioners, learned Counsel for the informant and learned Additional Public Prosecutor for the State.

This application, for grant of anticipatory bail, arises out of Raghunathpur Police Station Case No. 39 of 2020, disclosing offence under Sections 147/148/341/323/324/354/506/504/379/302 of the Indian Penal Code.

The allegation, as per the First Information Report, is that the petitioner no. 1 pushed the father-in-law of the informant, due to which he died and the petitioner no. 2 assaulted the informant and her family members by means of lathi, danda, farsa etc.



Learned Counsel for the petitioners submits that the petitioners have falsely been implicated in this case due to land dispute between the parties and there is case and counter case between them inasmuch as Raghunathpur Police Station Case No. 38 of 2020 has been lodged by petitioner no. 1 against the informant and her family members for an incident which has taken place on the same date and time. He next submits that in course of investigation, it has come to light that the side of the informant had applied for the death certificate of the deceased, in which the cause of death has been mentioned as 'NATURAL'. He next submits that the deceased has died due to cardiac arrest and no injury has been found on the person of the deceased. He next submits that the injuries caused by the petitioner no. 2 to the informant and others have been found to be simple in nature.

On the other hand, learned Additional Public Prosecutor and learned Counsel for the informant vehemently oppose the prayer for anticipatory bail and submit that there is specific allegation against the petitioners that they have assaulted the informant and others and the petitioner no. 1 pushed the old father-in-law of the informant, due to which he died and referring to the post mortem examination report, they



submit that ante mortem injury was found on the person of the deceased.

After having heard learned Counsel for the parties concerned and taking into consideration the materials on record, I am not inclined to grant the petitioner no. 1 privilege of anticipatory bail.

This application is, accordingly, dismissed so far as petitioner no. 1 is concerned.

However, taking into consideration the nature of injury caused by petitioner no. 2 to the informant and others, I am inclined to grant the petitioner no. 2 privilege of anticipatory bail.

This application is, accordingly, allowed so far as petitioner no. 2, Amit Rajak @ Amit Kumar Rajak, is concerned.

Let the petitioner no. 2, above named, in the event of his arrest or surrender before the Court below within a period of six weeks from today, 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 Additional Chief Judicial Magistrate-VIII, Siwan, in connection with Raghunathpur Police Station Case No. 39 of 2020, subject to the



condition laid down under Section 438 (2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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