

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31066 of 2020**

Arising Out of PS. Case No.-23 Year-2020 Thana- JAMHOR District- Aurangabad

RAHUL KUMAR @ RITESH KUMAR Son of Shri Jain Singh @ Jainandan
Singh Resident of Village- Ratnaur, P.S.- Jamhore, District- Aurangabad.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ajay Kumar Thakur
For the State	:	Mrs. Saheen Begum, APP
for the Informant	:	Mr. Tribhuwan Narayan

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

4 25-02-2021 Heard both sides.

The petitioner seeks bail in Jamhor P.S. case No. 23/2020 registered u/s 147, 148, 149, 341, 323, 307, 302 of the IPC and u/s 27 of the Arms Act.

The informant, Vishal Kumar @ Sanjay Kumar, named as many as 14 persons, including the petitioner, Rahul Kumar @ Ritesh Kumar, and alleged that they all having armed with different weapons such as Lathi, Danda, sharp edged weapon such as Falsa, Garasi and gun came at his field. Rakesh Kumar @ Pran Yadav assaulted Dhananjay Kumar, brother of the informant, with sword on his head and there was profuse bleeding from the head. Jimadar Singh was armed with country made pistol and was having iron rod in his right hand. Jimadar



Singh also assaulted Dhananjay Singh with iron rod on his head. The informant and his mother came to save but Amul Kumar and Yamuna Yadav, who were armed with Falsa, indiscriminately assaulted Dhananjay Kumar on his hand and leg. Dhananjay Kumar got injury on different parts of his body such as head, hand and leg and blood started oozing out from different parts of his body. Dhananjay Kumar fell down on the ground thereafter Rahul Kumar, the petitioner, is alleged to have assaulted Dhananjay Kumar with Lathi. Manish Kumar assaulted the informant with Lathi on his head causing blood oozing injury and all the accused persons thereafter indiscriminately assaulted the informant and his mother with Lathi. Jimadar Singh also made firing and fled away.

The learned counsel for the petitioner submits that four persons, Rakesh Kumar @ Pran Yadav with sword, Jimadar Singh with iron rod and Amul Kumar and Yamuna Yadav with Falsa are alleged to have assaulted the deceased Dhananjay Kumar on his head, hand and leg and when Dhananjay Kumar fell down on the ground the petitioner is alleged to have assaulted him with Lathi. It is submitted that deceased got many injuries on his head and other parts of his body but no specific injury is found to have been caused by Lathi. Yamuna Yadav,



who is alleged to have assaulted the deceased with Falsa, has already been granted bail by a coordinate Bench of this court vide order passed in Cr. Misc. No. 35393/ 2020. It is further submitted that Manish Kumar, Dul Yadav, Ravi Kumar and Anshu have also been granted bail. The petitioner is in custody since 23.04.2020 and he is an Army personnel still in active service.

The learned APP and Mr. Tribhuwan Narayan, the learned counsel for the informant, vehemently opposed the prayer for bail and submit that petitioner is also alleged to have assaulted the deceased after he fell down on the ground with Lathi on different parts of his body. From perusal of injury report, it would appear that the injuries are said to have been caused by hard and blunt object. From perusal of injury report it would also appear that deceased got injuries on his head, forearm and other parts of his body and almost all the injuries are opined to have been caused by hard and blunt object. Yamuna Yadav has been granted bail because he is alleged to have been assaulted the deceased with Falsa, a sharp edged weapon, but no sharp cut injury was found on the body of deceased and the case of petitioner stands on different footing as he is alleged to have assaulted the deceased with Lathi, a hard



and blunt object, and, therefore, the petitioner does not deserve bail.

Having considered the submissions of both sides and on perusal of the records, it appears that informant made specific allegation that firstly Rakesh Kumar @ Pran Yadav assaulted the deceased, Dhananjay Kumar, with sword on his head but the doctor found stitch wound on the head of deceased and such injury is found to have been caused by hard and blunt object. Thereafter, Jimadar Singh is alleged to have assaulted the deceased with iron rod on his head and Amul Kumar and Yamuna Yadav subsequently are alleged to have assaulted the deceased with Falsa on his hands and legs. The petitioner is 5th person who is said to have assaulted the deceased with Lathi. Even Amul Kumar and Yamuna Yadav, who are alleged to have inflicted injury with Falsa but the injury on hands and legs are opined to be caused by hard and blunt object and Yamuna Yadav has already been granted bail. Therefore, I find that the petitioner, who is lastly alleged to have assaulted the deceased with Lathi, also deserves bail.

Accordingly, the petitioner, above named, is directed to be enlarged on bail on his furnishing bail bond of Rs. 10,000/- (rupees ten thousand) with two sureties of the like



amount each to the satisfaction of the learned Chief Judicial
Magistrate, Aurangabad in connection with Jamhor P.S. case
No. 23 of 2020.

(Prabhat Kumar Jha, J)

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