

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32358 of 2020

Arising Out of PS. Case No.-221 Year-2019 Thana- TAJPUR District- Samastipur

1. Pankaj Kumar, Aged about 20 years, Male, S/o Dinesh Ray, Resident of Village-Waini Mali Tola, P.S.-Tajpur (Waini O.P.), District-Samastipur.
2. Lal Babu Ray @ Lalu Ray, Aged about 22 years, Male, S/o Dinesh Ray, Resident of Village-Waini Mali Tola, P.S.-Tajpur (Waini O.P.), District-Samastipur.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Anshu Dhar Sharma, Advocate
For the Opposite Party/s : Mr. Nand Kishore Prasad, APP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

3 15-01-2021 Heard Mr. Anshu Dhar Sharma, the learned counsel
for the petitioners and the learned Additional P.P.

The petitioners seek bail in Tajpur (Waini O.P.) P.S.
Case No.221 of 2019, registered under Sections 147, 148, 149,
302, 307, 323, 341, 379, 447 and 504 of the Indian Penal Code.

The informant alleged that her father-in-law was
sitting on his cot at his Darwaza but in the meantime, Pankaj
Kumar, his cousin brother-in-law came on a motorcycle and
dashed his father-in-law. When her father-in-law enquired about
the reason for dashing his cot, Lal Babu Rai @ Lalu Rai began
to abuse and in the meantime, other accused persons also came
and assaulted the father-in-law of the informant and other family



members of the informant. The father-in-law of the informant succumbed to the injuries while he was being taken to hospital.

Mr. Anshu Dhar Sharma, the learned counsel for the petitioners submits that there is a counter version. Petitioners are co-sharer of the husband of the informant. There is a bona fide land dispute between the two sides. There is omnibus and general allegation of assault against five persons out of whom Dinesh Ray has been granted regular bail by a co-ordinate Bench of this Court vide order passed in Cr. Misc. No.76670 of 2019. Runa Devi and Niranjana Kumar have been granted anticipatory bail by order dated 06.03.2020, passed in Cr. Misc. No.76508 of 2019. The prayer for anticipatory bail of the petitioners was rejected by the same order finding that the petitioners assaulted on head and chest of the deceased and multiple injuries found on the body of the deceased ultimately proved fatal. It is submitted that from perusal of the case diary, it would appear that the petitioners are not specifically alleged to have assaulted the deceased on head and chest, therefore, the petitioners also deserve bail.

The learned Additional P.P. opposed the prayer for bail.

Perused the FIR and the case diary. The informant,



daughter-in-law of the deceased alleged that it was Pankaj Kumar who firstly dashed her father-in-law, Suresh Rai while he was sitting on his cot at his Darwaza and thereafter the quarreling began. Thereafter both the petitioners and other indiscriminately assaulted Suresh Rai and other family members of the deceased. Suresh Rai, the deceased got as many as five injuries. Stitch wounds were found on head and hands of the deceased. Blood was oozing from the nose of the deceased and there appears that the head was smashed by the injuries caused by the petitioners and others.

Taking into consideration the facts, I am not persuaded to grant regular bail to the petitioners. Accordingly, the prayer for bail of the petitioners is rejected.

(Prabhat Kumar Jha, J)

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