

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43889 of 2021

Arising Out of PS. Case No.-187 Year-2021 Thana- SONEPUR District- Saran

Dharm Raj Singh Son Of Satendra Prasad Singh R/O Village- Paharichak,
P.S.- Sonpur, District- Saran

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Naresh Chandra Verma, Advocate

For the Opposite Party/s : Mr.Lalan Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

3 27-10-2021 Learned counsel for the petitioner undertakes to remove all the defects pointed out by the Stamp Reporter within four weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner and Mr. Lalan Kumar, learned APP for the State.

The petitioner in the present case is seeking regular bail in connection with Sonapur P.S. Case No. 187 of 2021 registered for the offences punishable under Sections 147, 148, 149, 342, 323, 302, 504 and 506 of the Indian Penal Code. He is custody since 03.04.2021 except for a period of four days when he was released on provisional bail for appearing in the examination. The petitioner has no criminal antecedent.

This case has been taken up out of turn initially on 18.08.2021 when it was mentioned that the petitioner who is a retired Air Force personnel has to appear in the SSC



Examination of Central Government and the date of written examination was fixed on 28.02.2021. After availing the provisional release, he has surrendered in the learned court below in accordance with the order of this Court.

Now, the case has again been mentioned enclosing a copy of the admit card of the Railway Recruitment Board from which it has been shown that the petitioner has been called to appear in the skill test on 30.10.2021. The case diary has already been received, therefore, in order to save time this Court thought it just and proper to hear the application itself on its own merit instead of granting provisional bail once again and then asking the petitioner to surrender and then hearing of the matter afresh.

Learned counsel for the petitioner has submitted that in this case the alleged occurrence took place between the two sides who are step brothers over a piece of land. It is alleged that on 28.03.2021 all the 5 named accused persons had assaulted the deceased when he was passing through the disputed land.

Learned counsel submits that from the FIR, it would appear that the allegations are general and omnibus against all the accused persons that they had been assaulting by lathi-danda. No FIR was lodged with regard to the said occurrence.



Learned counsel has further shown from Annexure '2' which is the information made available by the Incharge Medical Officer of Sonapur, Sub-Division (Saran) under Right to Information Act and from that it has been shown that the deceased had gone to the Health Centre on 28.03.2021 at 06:45 P.M. with a complaint of pain in his chest due to physical assault but finding that there was no serious injury, his name was not mentioned in the register.

Learned counsel has further submitted that the only injury which has been noted is an abrasion of 01 cm x 1 cm vide registration no. 3551 and the same has been informed to the wife of the petitioner.

Further learned counsel submits that from 28.03.2021 till date 30.03.2021 the deceased remained at his home. He got admitted in Heart Hospital on 31.03.2021 with history of Diabetes Mellitus Type-II and CCF, CAD etc. In the said hospital, he died on 02.04.2021 and from Annexure '3' it would appear that the cause of death have been shown due to disease and cardio pulmonary arrest.

Learned counsel submits that at this stage with an intention to lodge a case the informant got managed a *post-mortem* report (Annexure '4) in which some injuries have been



noted said to have been caused by hard and blunt substance and in the *post-mortem* report, it is stated that death was due to several injuries and its' complications. This is in conflict with the report of the Heart Hospital. Under these circumstances, the prayer for bail of the petitioner may be considered.

Learned APP for the State has though opposed the prayer for bail of the petitioner but the materials discussed hereinabove have not been controverted.

Thus, having noticed that the allegations are general and omnibus and in between 28.03.2021 till 02.04.2021 no FIR was lodged and the hospital certificate shows death due to disease mentioned therein and cardio pulmonary arrest, the cause of dispute is a land dispute and the petitioner being a retired Air Force personnel has remained in jail for more than 6 months, at this stage he is looking for a service, this Court is inclined to direct release of the petitioner above named on furnishing of bail bonds of Rs.25,000/- (Rupees Twenty Five Thousand Only) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Saran at Chapra in connection with Sonapur P.S. Case No. 187 of 2021, subject to the conditions as laid down under Section 437(3) Cr.P.C.



And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

The application stands allowed.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

