

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36313 of 2020**

Arising Out of PS. Case No.-294 Year-2017 Thana- KHIJARSARAI District- Gaya

Ganauri Das, aged about 48 years, Gender-Male, S/o Late Ram Jatan Das,
Resident of Village-Nagri Yawa, P.S.-Khizersarai, District-Gaya.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr.Bhaskar Shankar, Advocate.

For the Opposite Party : Mrs. Rita Verma, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 03-03-2021 Learned counsel for the petitioner is directed to
remove the defects, as pointed out by the office, within a period
of four weeks.

Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner seeks bail in a case registered for the
offence under Sections 302, 307, 341, 323, 325, 147, 148 and
149 of the I.P.C.

The prosecution story, in brief, is that on 13.10.2017
the informant's Dewar asked his neighbour and agnates to
remove the clothes from his wall kept for drying as the agnates
on earlier occasion has removed their electric connection and
also because they have old enmity due to partition. Due to this
reason, eight named accused including the petitioner came to
their house variously armed and assaulted the informant's



Dewar (Chanarik Das), mother-in-law (Kusum Devi), husband (Munarik Das) and the informant. Ganauri Das (petitioner) assaulted with Iron rod on the head of the husband (Munarik Das) of the informant. Other co-accused Akshay, Chhotu and Monu assaulted with *Lathi* to the informant and others. The injured Chanarik Das (Dewar) was admitted in the hospital at Chandauti (Gaya) and the informant's husband (Munarik Das) was admitted in the hospital of Khizersarai then Chandauti Magadh Medical College and then referred to P.M.C.H., Patna, where he died during the course of treatment.

This is second attempt on behalf of the petitioner for grant of bail.

Earlier bail application of the petitioner was rejected vide Cr. Misc. No. 2298 of 2019 under order dated 09.04.2019 by a Bench of this Court, annexed as Annexure-1 to the present application, taking into account that a single Iron blow was given by the petitioner on the head of the deceased.

A report was called for from the court below regarding the present stage of the case. It has been reported that only one prosecution witness has been examined and the trial is likely to be concluded with a period of six-nine months.

It has been submitted by learned counsel for the



petitioner that the petitioner is in custody since 02.08.2018. He has remained in custody for more than 2½ years. There is no chance of trial being taken up in near future. There is no repetition of Iron blow by the petitioner upon the deceased. There was no intention to commit murder of the deceased. The petitioner has got no criminal antecedent. Charge sheet has been submitted in the present case. There is no allegation of tampering with the witnesses alleged against the petitioner. There is case and counter case between the parties. The alleged occurrence is said to have taken place due to petty reason. On the spur of the moment, a single Iron blow was given by the petitioner upon the deceased.

Considering the aforesaid facts and circumstances of the case, the petitioner above named, is directed to be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand Only) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-VII, Gaya, in connection with Sessions Trial No. 67 of 2019/415 of 2018 (S.J.), arising out of Khizersarai P.S. Case No. 294/2017.

(Sudhir Singh, J)

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