

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36443 of 2020

Arising Out of PS. Case No.-194 Year-2019 Thana- KEWATI District- Darbhanga

Rajesh Sadai @ Rajesh Saday, aged about 38 years, Sex-Male, son of late Matheran Sadai @ Matheran Saday, Resident of Village- Balha Mushari Tola, P.S.- Keoti, District- Darbhanga.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Manish Kumar No 13

For the Opposite Party/s : Mr. APP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

4 02-03-2021 Heard both sides.

The petitioner seeks bail in Keoti P.S. Case No.194 of 2019, registered under Sections 147, 148, 149, 341, 307, 302, 325, 324, 504 and 506 of the Indian Penal Code.

The informant alleged that on 18.12.2019 at about 06.00 in the evening, Anarjit Saday, Sitaram Saday, Siya Saran Saday and Ananda Saday came to his house and started hurling abusive language. They were also threatening. On such, Nanda Saday, the son of the informant came out and forbade the accused persons from abusing. Thereafter all the accused persons put him down on the ground and assaulted him with wooden stick and iron rod. On alarm, Jibachh Saday, Inardeo Saday, Ram Kishore Saday, Harendra Saday, Ashok Saday,



Mithlesh Saday, Rajesh Saday, the petitioner and 15-16 other persons named therein came and are alleged to have indiscriminately assaulted the son of the informant causing his death. It is further alleged that when the younger brother of the informant and family members including wife went to save Nanda Saday, the accused persons also indiscriminately assaulted them and fractured their hand and legs.

Learned counsel for the petitioner submits that at the first instance, only four persons, namely, Anarjit Saday, Sitaram Saday, Siya Saran Saday and Ananda Saday are alleged to have assaulted the son of the informant with wooden stick and iron rod. Thereafter 23 other persons including the petitioner are alleged to have assaulted the deceased, Nanda Saday, but from perusal of the postmortem report, it would appear that the deceased got injuries on his head, chest and on right hand. It is further submitted that all the injuries appear to have been caused by only four persons and the names of other 23 persons are mentioned as assailant of the deceased only to make the case serious although no specific allegation is made against the petitioner. The petitioner is in jail since 23.12.2019. The petitioner has already remained in jail for more than 14 months. Injuries of other injured are not attached in the case diary.



The learned Additional P.P. however, opposed the prayer for bail and submits that in para 50 of the case diary, the widow of the deceased made her statement and she claimed herself to be eye witness of the occurrence. She disclosed that Jibachh Saday, Anarjit Saday, Rajesh Saday, Indradeo Saday, Ashok Saday, Kule Saday and Rambriksh Saday assaulted her husband with stick and iron rod. Other witnesses have also reiterated the same facts.

After having considered the submissions of both sides and on perusal of the records, it appears that the father of the deceased, who claimed himself as an eye witness, disclosed at the first instance that only four persons, namely, Anarjit Saday, Sitaram Saday, Siya Saran Saday and Ananda Saday assaulted his son with stick and iron rod. Thereafter he alleged that 23 persons including the petitioner came and they also assaulted his son, but the postmortem report shows the injuries on head, chest and hand and there is no such injuries caused on account of assault made by 23 persons.

Taking into consideration the facts aforesaid and the fact that the petitioner has already remained in jail for more than 14 months, petitioner, namely, Rajesh Sadai @ Rajesh Saday is directed to be enlarged on bail on furnishing bail bond of



Rs.10,000/- (ten thousand) with two sureties of the like amount
each to the satisfaction of the learned A.C.J.M.-VII, Darbhanga
in connection with Keoti P.S. Case No.194 of 2019.

(Prabhat Kumar Jha, J)

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