

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38090 of 2020

Arising Out of PS. Case No.-144 Year-2020 Thana- GORAUL District- Vaishali

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1. DHIRAJ KUMAR S/o Bisheshwar Rai under the Guardianship of his father Ravindra Rai male aged about 47, R/o Village and P.O-Piroi, P.S-Goraul, District-Vaishali.
 2. Jitendra Kumar S/o Late Suresh Rai R/o Village and P.O-Piroi, P.S-Goraul, District-Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Chitranjan Sinha, Sr. Adv. Mr. Ram Shankar Das, Adv.
For the Informant	:	Mr. Shakil Ahmad Khan, Adv.
For the State	:	Mr. Nawal Kishore Prasad, APP

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

4 23-02-2021 Heard Mr. Chitranjan Sinha, learned senior counsel for the petitioners, Mr. Nawal Kishore Prasad, Additional Public Prosecutor for the State and Mr. Shakil Ahmad Khan for the informant.

2. Learned senior counsel for the petitioners seeks permission to withdraw this application against petitioner no. 1, Dhiraj Kumar with a liberty to move before Juvenile Justice Board as petitioner no.1 is a juvenile.

3. Permission is granted.

4. Accordingly, this application against petitioner no. 1, Dhiraj Kumar is dismissed as withdrawn with the liberty aforesaid.



5. So far as petitioner no.2, Jitendra Kumar is concerned, he seeks regular bail in connection with Goraul PS Case No. 144/2020 registered for the offence punishable under Section 147, 148, 149, 302, 323, 447, 448, 342, 323, 324 of the IPC.

6. The allegation against petitioner no.2, as per First Information Report, is that he along with other accused persons assaulted brutally the son of the informant by means of *Lathi*, *Danda*, due to which, he died during course of his treatment.

7. Learned senior counsel for the petitioner submits that the petitioner has not committed any offence in the manner alleged and he has falsely been implicated in this case due to land dispute between the parties. Learned senior counsel further submits that ten persons named in the FIR along with twelve unknown persons, allegedly, assaulted the son of the informant by means of *Lathi* and *Danda* and the allegation against petitioner no.2 is that he assaulted the son of the informant on his head.

8. Learned senior counsel referring to Annexure-5 and 6 of the present petition submits that on the date of occurrence, son of the informant along with other persons had arrived in the village riding on the motorcycles and were



making firing and they were caught by the villagers who handed over them to the police and their motorcycles were also handed over to the police by the villagers.

9. Learned senior counsel further submits that from perusal of the FIR, it would be evident that the police had arrived at the spot on the date of occurrence but the present FIR was not lodged just after the occurrence but the same was lodged after about five days.

10. Learned senior counsel, thus, submits that the FIR has been lodged with premeditated mind and the son of the informant has died in a separate incident.

11. On the other hand, learned counsel for the informant and the State vehemently opposed the prayer for bail and learned counsel for the informant, referring to the order dated 08.01.2020 passed in Cr. Misc. No. 30054/2020, submits that bail application of similarly situated co-accused, namely, Sushil Kumar @ Raja Prasad has been rejected by this Court with an observation that the petitioner may renew his prayer for bail after six months from today, if the trial does not show any progress.

12. Having regard to the submissions made by the parties and taking into consideration the material on record and



the fact that the bail application of similarly situated co-accused person has been rejected bail by this Court vide order dated 08.01.2021 in Cr. Misc. No. 30054/2020, I am not inclined to grant regular bail to the petitioner no.2, Jitendra Kumar. The same is, hereby, rejected.

13. However, petitioner no.2, Jitendra Kumar may renew his prayer for bail after five months from today, if the trial does not record any progress.

(Anil Kumar Sinha, J)

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