

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38533 of 2020

Arising Out of PS. Case No.-382 Year-2019 Thana- SIRDALA District- Nawada

RAJESH RAJVANSHI, S/o Umesh Rajvanshi R/o Village- Hemza Bharat,
P.S.- Sirdala, District- Nawada

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Krishna Deo Raj

For the Opposite Party/s : Mr. APP

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

4 17-08-2021 Heard Mr. Krishna Deo Raj, learned advocate

for the petitioner and Mr. Bharat Lal, learned APP for the

State.

The petitioner seeks bail in anticipation of his

arrest in connection with Sirdala P. S. Case No. 382 of

2019, dated 02.09.2019, instituted for the offences

under Sections 341, 323, 326 and 307 of the Indian

Penal Code.

The grandfather of the victim has alleged in the

F.I.R. that his grandson was called by the petitioner. He

left for the house of the petitioner but did not return for

some time. When the mother of the victim went in



search of him, she found the petitioner running away with blood stains on his shirt. On being questioned, the petitioner is said to have told her that he got those stains while disengaging boys who fighting with each other.

The learned advocate for the petitioner has submitted that the F.I.R. has been registered after a delay of two days. The victim has received an injury in his eye for which he had to be treated in Shankar Netralaya, Chennai. The report of the injury indicates that perhaps there has been some damage to the eye of the victim but he has not been totally deprived of his eye-sight.

Apart from this, it has been submitted that the accusation against the petitioner is very vague. The statement of the mother of the victim has been taken into account, which in turn is a statement which was given to her by the petitioner shortly after the occurrence. In that event, the entire statement of the



petitioner to the mother of the victim ought to have been taken into account.

In that case, the learned advocate for the petitioner submits that it would be difficult to segregate one part of the statement and link it with the inference that petitioner had also participated in hurting / injuring the victim.

The further argument is that there was some dispute with respect to patulous growth of a tree in the compound of the other. One Rahul and Deepak are said to have fought with the informant over the aforesaid issue. If the statement made by the petitioner to the mother of the victim is accepted to be true, then perhaps the petitioner had only tried to pacify the victim as well as Rahul and Deepak. That the victim received an injury in his eye is simply fortuitous.

Till date, it has been submitted, no statement of the victim has been recorded. Even the witnesses who have given their statement during investigation have not



specifically stated about the assault having been made by the petitioner.

All that has been said is that the victim was hurt in his eye and some explanation was given by the petitioner to the mother of the victim for the victim not having reached his house in time and with respect to the blood stains on his shirt.

The petitioner has been made accused in this case, it has been argued, only because he is the cousin of aforesaid Rahul and Deepak, with whom the victim had fought and since the petitioner is in Bihar Police Service, such an attempt has been made to put undue pressure on the accused persons for settling the dispute.

Be that as it may, regard being had to the fact that the victim has not yet given any statement with respect to the nature of assault and the only accusation against the petitioner is of giving a statement to the mother of the victim that he had received blood stains on his shirt while trying to remove boys from fighting



against each other, the petitioner, above-named, is directed to be released on bail, in the event of his arrest or surrender before the court below within a period of eight weeks from the date of receipt / production of a copy of this order, on his furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned A.C.J.M. I VI, Nawada, in connection with Sirdala P. S. Case No. 382 of 2019, subject to the conditions as laid down under Section 438 (2) Cr.P.C.

The application stands allowed.

(Ashutosh Kumar, J)

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