

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40007 of 2020

Arising Out of PS. Case No.-158 Year-2020 Thana- BARUN District- Aurangabad

1. Kishun Prajapati, S/O Late Janeshwar Prajapati, Resident of Village Dearhi P.S. Barun, District- Aurangabad
2. Ranjit Prajapati, S/O Kishun Prajapati, Resident of Village Dearhi, P.S. Barun, District- Aurangabad

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Rakesh Singh, Advocate.
For the State	:	Mr. Vijay Kumar, APP
For the Informant	:	Mr. Birendra Kumar Singh, Advocate.

CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL ORDER

2 22-07-2021 As prayed for, let the learned counsel appearing for the petitioners remove the defect(s), as pointed out by the office, within four weeks of starting of the Court proceeding in physical mode in normal course.

Learned counsel for the petitioners seeks permission to withdraw this application, as petitioner no. 1, namely, Kishun Parajapati, has been arrested by the police.

Permission is accorded.

Accordingly, this application is dismissed as withdrawn with respect to petitioner no.1, Kishun Prajapati.

Heard learned counsel for the petitioner no.2, Ranjit Prajapati, and the learned A.P.P. for the State through



Video Conferencing.

The petitioner no.2, Ranjit Prajapati, apprehends his arrest in connection with Barun P.S. Case No. 158 of 2020, registered under Section 302/34 of the Indian Penal Code.

The accusation is that on 11.08.2020, at about 8.30 A.M., drain was being constructed in front of the house of informant, Mithilesh Prajapati, as land of the informant is situated in both sides of the road. At that time, Kishun Prajapati (petitioner no.1) and his son, Ranjit Prajapati (petitioner no.2) came there and started to abuse in respect to draining out the water. In the meantime, Kishun Prajapati (petitioner no.1) caught hold the hand of his father, Rampati Prajapati, and on the order of Kishun Prajapati (petitioner no.1), Ranjit Prajapati (petitioner no.2) threw his father, Rampati Prajapati, at the mixing machine, in which, his father sustained injury at the back portion of his head and thereafter, he died.

Learned counsel for the petitioner no.2, Ranjit Prajapati, submits that the dispute is going on in between the petitioners and the informant due to draining out the rainy season water, the informant taking advantage of death of his father, Rampati Prajapati, lodged the present case with false allegation. Further submission is that while it is alleged in the



FIR that the deceased, Rampati Prajapati, father of the informant, sustained injury at the back portion of his head but in the postmortem examination, no any external injury was found except minor abrasion over left knee and the cause of death of the deceased could not be ascertained whereas viscera report of the deceased, father of the informant, has been kept reserved. Further submission is that petitioner no. 2, Ranjit Prajapati, has no criminal antecedent.

Having regard to the facts and circumstances of the case, let petitioner no. 2, Ranjit Prajapati, be released on bail, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Aurangabad, in connection with Barun P.S. Case No. 158 of 2020, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

(Rajendra Kumar Mishra, J)

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