

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.3687 of 2021**

Arising Out of PS. Case No.-137 Year-2019 Thana- BANGAWON District- Saharsa

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Ranjit Kumar, aged about 22 years, male, S/o Chandra Yadav @ Chandra Kishore Yadav @ Chander Yadav, Resident of Village- Balha, P.S.- Bangaon, District- Saharsa.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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**Appearance :**

|                      |   |                                 |
|----------------------|---|---------------------------------|
| For the Petitioner/s | : | Mr. Krishna Pd. Singh, Sr. Adv. |
| For the Informant    | : | Mr. Rajeev Singh, Adv.          |
| For the State        | : | Mr. Nityanand Tiwary, APP       |

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**CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR**

ORAL ORDER

3      26-10-2021                      Heard Mr. Krishna Prasad Singh, the learned Senior Advocate for the petitioner and Mr. Rajeev Singh, the learned counsel for the informant. The State is represented by the learned APP, Mr. Nityanand Tiwary.

The petitioner seeks bail in anticipation of his arrest in connection with Bangaon P.S. Case No. 137 of 2019 instituted for the offences under Sections 302, 307,



379, 147, 341, 323, 324 and 504 of the Indian Penal Code and Section 27 of the Arms Act.

The accusation in the F.I.R. is that the accused persons including the petitioner came to the house of the informant and one of his agnates, namely, Sonu Kumar fired from his weapon twice hitting the deceased. The petitioner is said to have assaulted the deceased on his right leg by means of *Gandasa*, whereas another accused persons, namely, Sunil Kumar is also said to have assaulted the deceased which hit him in his leg.

The learned Senior Advocate for the petitioner has submitted that aforesaid Sonu Kumar has been granted regular bail by a Bench of this Court after remaining in custody for some time. He further submits that Sunil Kumar, one of the accused persons with similar allegation of assaulting the deceased, was later declared a juvenile and has been released from observation home.

As opposed to the aforesaid contentions, Mr. Rajeev Singh, the learned Advocate for the informant has submitted that in a case of murder, specific act of assault



need not been seen for the purposes of grant of bail. He further submits that the assailant of the deceased had to remain in jail before he was given the privilege of bail. In that view of the matter, it has been urged, it would only be prudent that the petitioner be also asked to surrender before the Court below and seek bail.

After having heard the submissions on behalf of the parties, it appears that the main assailant of the deceased has been granted regular bail by a Bench of this Court, whereas one of the other co-accused persons has been declared a juvenile and has been released from the observation home. The accusation against the petitioner is of assaulting the deceased by means of a sharp cutting weapon, but there is no corresponding *ante-mortem* injury on the deceased.

The other factor which has weighed with this Court is that the petitioner is one of the agnates of the informant and the possibility of false implication of the entire family cannot be ruled out.

For the reasons afore-stated and taking into



account the clean antecedents of the petitioner, he, in the event of his arrest or surrender before the learned Court below within a period of eight weeks, is directed to be released on bail on his furnishing bail-bonds in the sum of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-I, Saharsa in connection with Bangaon P.S. Case No. 137 of 2019, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

The application stands allowed.

**(Ashutosh Kumar, J)**

Praveen-II/-

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