

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56019 of 2021

Arising Out of PS. Case No.-171 Year-2021 Thana- DARBHANGA SADAR District-
Darbhanga

Ranjeet Lal Deo Son Of Dineshwar Lal Deo R/O Village- Panta, P.S.- Sadar
Sonaki O.P., District- Darbhanga

... .. Petitioner

Versus

The State Of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s :	Mr.Pradeep Kumar Singh,Advocate
For the Opposite Party/s :	Mr.Md. Fahimuddin,APP
For the Informant :	Mr.Vinay Kumar Mishra,Advocate

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 27-10-2021 Although this case has come up for hearing out of turn on mentioning made by learned counsel for the petitioner that he being only earning member of the family has to perform the Shradh ceremony of his grandmother, this Court having noticed that the father of the petitioner is still alive, decided to hear the matter on its own merit instead of considering the prayer for provisional bail.

Learned counsel for the petitioner undertakes to remove all the defects pointed out by the Stamp Reporter within four weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner, learned counsel for the informant and Mr. Md. Fahimuddin, learned APP for the State.

The petitioner in the present case is seeking regular



bail in connection with Sadar Sonaki O.P. Case No. 171 of 2021 registered for the offences punishable under Sections 341/324/307/34 of the Indian Penal Code later on Section 302 of the Indian Penal Code has been added. He is in custody since 17.05.2021. The petitioner has one criminal antecedent and it is submitted by learned counsel for the petitioner that he is on bail in the said case.

The fardbyan of the deceased recorded in the Dharbhanga Medical College and Hospital on 18.04.2021 in injured condition is the basis of the FIR. The deceased has himself narrated the entire manner of the alleged occurrence. It is his specific allegation that co-accused Manoj Lal Deo had caught hold of his left hand and instigated the other accused to assault him by dagger whereupon co-accused Babloo Lal Dev gave a dagger blow on the neck of the deceased which he somehow saved with his right hand and his right hand suffered injury, in the meanwhile Ranjeet Lal Deo (this petitioner) penetrated his dagger in the stomach of the deceased as a result whereof his stomach came out and he fell down. He started bleeding and thereafter he became unconscious. When he gained his consciousness, he found himself in the surgical ward of the P.M.C.H. where he had been operated.



Learned counsel for the petitioner submits that it is a case of false implication of the petitioner, there is no eye-witness to the alleged occurrence and all the witnesses are interested and related witnesses.

Learned counsel has further submitted that the deceased was discharged from D.M.C.H. on 05.05.2021 but later on he suffered from Corona for which he was being treated in Paras Hospital where he died.

Mr. Vinay Kumar Mishra, learned counsel for the informant and Mr. Md. Fahimuddin, learned APP for the State have vehemently opposed the prayer for bail of the petitioner. It is submitted that this petitioner is the main assailant and the brutal murder of the deceased whose own statement would show that how he was surrounded and then in a totally helpless situation he was killed. This petitioner played the main role by piercing the knife in the stomach of the deceased.

It is submitted that the discharge slip of D.M.C.H is clearly showing the stab injuries suffered by the deceased and on the face of the fardbyan of the deceased which is now to be treated as a dying declaration no further corroboration is required.

Having regard to the materials available on the record,



the specific allegation made by the deceased whose fardbyan is the basis of the FIR and the brutal kind of murder committed by the petitioner getting support from the discharge slip of D.M.C.H., this Court is not inclined to release the petitioner on bail. The prayer for regular bail of the petitioner is, thus, refused.

The application stands dismissed.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

