

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1774 of 2021

Arising Out of PS. Case No.-397 Year-2020 Thana- HAJIPUR District- Vaishali

Raj Ballav Singh Son of Late Dhurkhail Singh Resident of Village-Minapur
Kharadi Tola, Ward No. 33, Police Station- Hajipur Town, District-Vaishali
... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr.Mahendra Thakur
For the Opposite Party/s :	Mr.Umeshanand Pandit
	Mr.Nachiketa Jha
	Mr.Raghwendra Pratap Singh

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 05-03-2021 Heard learned counsel for the parties.

The petitioner seeks bail in Hajipur Town P.S. Case No. 397 of 2020, registered for the offence under Sections 147, 148, 341, 323 and 307 of the Indian Penal Code and later on, Section 302 of the I.P.C. was added.

As per the prosecution case, on 18.06.2020, when the husband of informant, after coming from market, was parking his motorcycle, all the 20 FIR named accused persons including this petitioner assaulted him by *lathi*, *danda* on account of previous dispute and when the informant and her daughter came to save him, they were also assaulted and thereafter, husband of the informant was taken to Sadar Hospital, Hajipur, from where, he was referred to P.M.C.H., Patna and after seven days of treatment, the husband of the informant died.



It is submitted on behalf of petitioner that petitioner has been falsely implicated in this case due to old enmity. Petitioner is next door neighbour of the informant and series of cases are going on between the parties. The allegations are general and omnibus and no specific allegation of assault has been made against this petitioner. By way of filing supplementary affidavit, the petitioner has brought on record *post-mortem* report of the deceased and on perusal of the same, it appears that the doctor has found only four injuries on the person of deceased and none of them are on vital part of the body. Petitioner is in custody since 08.09.2020. Chargesheet has already been submitted.

However, counsel for the informant has vehemently opposed the bail application and submitted that this petitioner was one of the participants, who also assaulted the deceased, as a result of which, the husband of informant died.

Considering the aforesaid facts and circumstances as well as material available on record, the bail application of petitioner is allowed. Let the above named petitioner be enlarged on bail on furnishing bail-bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned C.J.M., Vaishali at Hajipur in connection



with Hajipur Town P.S. Case No. 397 of 2020, on the following conditions:

“(1) Petitioner shall cooperate in the trial and shall be properly represented on each and every date fixed by the court below and shall remain physically present, as directed by the court below, and on his absence on two consecutive dates without sufficient reason, his bail-bond shall be cancelled by the court below.

(2) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.”

(Prabhat Kumar Singh, J.)

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