

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6747 of 2021

Arising Out of PS. Case No.-377 Year-2019 Thana- WAJIRGANJ District- Gaya

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BIRJU RAJVANSI @ BIRJU RAJBANSI S/o Late Deoraj Rajvansi
Resident of Village- Bathula, P.S.- Wazirganj, District- Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ravindra Kumar Sinha, Advocate
For the State : Dr. Ajeet Kumar, APP
For the informant : Mr. Amrendra Narayan, Advocate

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CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

3 07-07-2021 Heard learned counsel for the petitioner, learned

Additional Public Prosecutor for the State and learned counsel

for the informant through video conferencing.

The petitioner has filed the instant application for
grant of regular bail in connection with Wajirganj P.S. Case no.
377 of 2019 registered under sections 302 and 34 of the Indian
Penal Code.

As per allegation in the FIR, it is stated by the
informant that the three named accused persons including the
petitioner herein came to the informant's house and over a
dispute relating to immovable property started to abuse and,
thereafter, assault the informant's husband with *lathi*, box, etc.
The husband of the informant fell unconscious. He was taken to
the Wajirganj hospital where he was not admitted and,



thereafter, he was taken to the Anugrah Narayan Magadh Medical College Hospital where in the emergency ward on 11.10.2019 at 11:00 am, he died in course of treatment.

It is submitted by learned counsel for the petitioner that from the FIR itself it would transpire that the petitioner and the informant's husband are brothers. The manner of occurrence has not been narrated correctly in the FIR. Further, for an occurrence alleged to have taken place on 10.10.2019 at 11 am, there was delay in giving of treatment i.e. for more than 24 hours. The matter was reported to the police station and the FIR registered more than 7 days later for no reasonable explanation. The petitioner is in custody since 9.7.2020. It is submitted that charge has been framed in the learned Court below on 6.5.2021 and Sessions Trial no. 19/2021 is pending in the Court of learned Additional District and Sessions Judge-X, Gaya.

The application for bail is opposed by learned Additional Public Prosecutor for the State and learned counsel for the informant. It is submitted by learned counsel for the informant that not only the petitioner is named in the FIR but there is direct allegation of assault on him leading to death of the informant's husband.

Having heard learned counsel for the parties and



taking into consideration the facts and circumstances of the case, the nature of allegation, the submissions made on behalf of the petitioner and the petitioner having remained in custody since 9.7.2020, i.e. for almost one year, the Court is inclined to enlarge the petitioner on bail. The petitioner is directed to be enlarged on bail in connection with Sessions Trial no. 19/2021 (arising out of Wajirganj P.S. Case no. 377 of 2019) on furnishing bail bond of Rs.10,000/ (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional District and Sessions Judge-X, Gaya.

It is further directed that the petitioner shall cooperate in the trial in the learned Court below and in case the learned Trial Court is of the opinion that the trial is being delayed due to non-corporation on part of the petitioner, he may cancel the bail bond of the petitioner and take him into custody during pendency of the trial.

(Partha Sarthy, J)

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