

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1807 of 2021

Arising Out of PS. Case No.-91 Year-2019 Thana- ATHMALGOLA District- Patna

RAJPAL SON OF BINOD KUMAR SINGH RESIDENT OF VILLAGE -
SURAJPURA, P.S.- ATHMALGOLA, DISTRICT - PATNA

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anil Chandra

For the Opposite Party/s : Mr. APP

**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
SINGH**

ORAL ORDER

2 04-03-2021 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

The petitioner is in custody since 21.09.2020 in connection with Athmalgola P.S. Case No. 91/2019 registered for the offences punishable under Sections 143/147/323/307/354/302/447 of the Indian Penal Code.

As per the prosecution case, on 04.05.2019, the informant along with his parents was filling the soil on the purchased land of 3 ½ katha. In the meantime, agnates of his maternal grandparents named in the F.I.R. along with this petitioner came and caught hold of the father of the informant and assaulted him. It is further alleged that co-accused Raushan Kumar Singh, Rahul Kumar and Rocky Kumar pushed the father of the informant as a result of which he fell down then co-accused Binod Kumar Singh and this petitioner assaulted him



with bricks on his head and due to assault he became unconscious and when the informant and his mother tried to rescue him, they tore the clothes of mother of the informant and all the accused persons assaulted the informant with fists and slaps. It is further alleged that while the father of the informant was taken to Patna for treatment, he succumbed to the injuries. Chargesheet has already been submitted in this case. Petitioner is in custody since 21.09.2020 having clean antecedent.

It is submitted on behalf of the petitioner that from bare perusal of the FIR, it is apparent that there was land dispute between the parties and this petitioner along with Binod Kumar Singh is alleged to have assaulted father of the informant with bricks on his head. However, no specific accusation of assault being committed by the petitioner on the head of the father of the informant, has been levelled by the informant and the two eye-witnesses, namely, Urmila Devi and Dilip Singh during the course of investigation have made same statement. It is further submitted that Binod Kumar Singh has already been granted bail by this Court vide order dated 14.08.2020 passed in Cr. Misc. No. 79134 of 2019.

However, learned counsel appearing on behalf of the State vehemently opposed the bail application and submitted



that there is specific accusation against this petitioner of having assaulted the father of the informant with bricks which is duly supported by the post mortem report.

Considering the aforesaid facts and circumstances coupled with the fact that similarly situated co-accused Binod Kumar Singh has already been granted bail and admittedly the occurrence took place on account of land dispute and allegedly the petitioner assaulted the deceased with brick not by means of any deadly weapon, the bail petition of the petitioner is allowed. Let the petitioner above named be released on bail, on furnishing bail bonds of Rs.10,000/- (Ten Thousand) each with two sureties of the like amount to the satisfaction of learned SDJM, Barh, Patna, in connection with Athmalgola P.S. Case No. 91/2019, subject to following conditions:-

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

(2) If the petitioner tempers 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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