

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.5599 of 2021**

Arising Out of PS. Case No.-269 Year-2020 Thana- ARA MUFFSIL District- Bhojpur

MANTU RAM Son of Late Dawarika Prasad Resident of Village-Jawaliya,
P.S.-Ara Moffasil, District-Bhojpur.

... .. Petitioner

Versus

THE STATE OF BIHAR

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Sandeep Kumar, Advocate
For the Opposite Party/s : Ms. Meena Singh, APP

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

7 02-07-2021 Learned counsel for the petitioner undertakes to remove all the defects as pointed out by office within four weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner and Ms. Meena Singh, learned A.P.P. for the State.

Petitioner in the present case is seeking regular bail in connection with Ara Muffasil P.S. Case No. 269 of 2020 registered for the offences punishable under Sections 147, 148, 149, 323, 324, 302, 504 and 506 of the Indian Penal Code.

As per the prosecution story the five named accused persons came to the door of the informant and as soon as the door was opened the co-accused Dinesh Ranjan Ram who was having a dab (made of iron) assaulted on the head of Raj Kumar



Paswan causing fracture of head which started bleeding. It is further alleged that thereafter this petitioner who was having an iron rod in his hand gave an assault on the mouth of the deceased which caused teeth and chin injury. The son of the informant was brought to the hospital where he was declared dead.

Learned counsel submits that from the post-mortem report it would appear that the fatal blow which has caused death of the son of the informant is the injury caused to the brain and the doctor has opined the cause of death as shock and hemorrhage due to injuries to vital part of the brain resulting into death. It is submitted that the skull bone fracture is specifically attributed to co-accused Dinesh Ranjan Ram.

Learned counsel further submits that in course of investigation the informant has on his own come out with statement and has filed a petition in the learned court below saying that the petitioner was not involved in the alleged occurrence.

Ms. Meena Singh, learned A.P.P. for the State has opposed the prayer for bail of the petitioner as according to her this petitioner had given the assault on the mouth of the son of the informant.



Having regard to the facts and circumstances of the case wherein the petitioner is said to have assaulted the son of the informant but the injury allegedly caused by him is not the cause of death as the same has been found on teeth and chin, the main assailant who had given the fatal blow is the co-accused Dinesh Ranjan Ram, the petitioner has remained in custody in connection with the present case since 26.08.2020, investigation against him is complete but the trial is not likely to be concluded in near future, let the petitioner above named be released on bail on furnishing of bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned Sessions Judge, Bhojpur at Ara in connection with Ara Muffasil P.S. Case No. 269 of 2020 subject to the condition as laid down under Section 437 (3) Cr.P.C. as under :

(a) that such person shall attend in accordance with the conditions of the bond executed under this Chapter,

(b) that such person shall not commit an offence similar to the offence of which he is accused, or suspected, of the commission of which he is suspected, and

(c) that such person shall not directly or indirectly make any inducement, threat or promise to any person



acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence.

And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

This application stands disposed of accordingly.

(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'.

