

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.5612 of 2021**

Arising Out of PS. Case No.-32 Year-2020 Thana- EAST COLONY District- Munger

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LAXMAN KUMAR @ LAXMAN YADAV @ LAXMAN KUMAR
PASWAN S/o Parmeshwar Ray @ Parmeshwar Yadav R/o Mohalla-
Tikiyapara, P.S.- East Colony, District- Munger

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr.Vikram Deo Singh,Advocate

For the Opposite Party/s : Ms.Nirmala Kumari,APP

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

5 03-08-2021 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 and Ms.

Nirmala Kumari, learned APP for the State.

The petitioner in the present case is seeking regular

bail in connection with East Colony P.S. Case No. 32 of 2020

registered for the offences punishable under Sections 448, 341,

323, 504, 506, 307, 509, 354(B), 379, 427, 34, 302 of the Indian

Penal Code and Section 08 of POCSO Act.

Learned counsel for the petitioner submits that on

perusal of the First Information Report, it would appear that

according to the informant the petitioner along with other co-

accused had entered in the house of the informant, started

abusing and when the informant asked them to refrain from hurling abuses they started throwing away articles kept in the house. It is alleged that the petitioner and co-accused Tillu Kumar caught hold of the hand of the daughter of the informant with bad intentions and pulled her *dupatta*. It is alleged that when her daughter started weeping and the informant went to save her the co-accused Chanda Devi started pulling her *saree*. It is then alleged that Anil Ram and Ranjeet Yadav came to save them but they were badly assaulted. The informant was also beaten up. The cause of the occurrence as provided is that in front of the house of the informant there is a kirana shop where people were assembling and commenting upon the daughter of the informant.

Learned counsel for the petitioner submits that it is a case of over-implication of the accused. So far as this petitioner is concerned, there is no specific allegation of causing assault upon Anil Ram who has died in the occurrence. It is submitted that the wife of the deceased Anil Ram has stated in her statement before the I.O. that co-accused Sanjeev Yadav had assaulted her husband on his head by a *dabia* causing injury on the head of her husband who had started bleeding. It is then alleged that when she went to the said place and wanted to save

her husband, this petitioner and other co-accused assaulted her husband by lathi, danda and iron rod. The post mortem report of the deceased, however, shows only one injury on his head, therefore, the allegation against the petitioner that he had also assaulted the deceased by lathi, danda or iron rod is not substantiated from the post mortem report.

Learned counsel further submits that so far as the assault given to the informant is concerned, the allegations are general and omnibus. The injury report of the informant has come in the case diary and it shows only one injury over the forehead of the informant.

It is further informed that the co-accused Sanjeev Yadav has been granted bail by a learned Co-ordinate Bench of this Court in Cri. Misc. No. 29711 of 2020. The petitioner is in custody in connection with this case since 28.07.2020, investigation against him is complete but the trial is not likely to take place in near future, the petitioner has got two criminal antecedents, however, in one of the cases he has been discharged by police at the stage of investigation itself and in another case he is on bail.

On the other hand, learned APP for the State has opposed the prayer for regular bail of the petitioner, however,

after going through the case diary she admits that on the head of the deceased only one injury was caused which has been specifically attributed to the co-accused Sanjeev Yadav who has been released on bail.

Considering the facts and circumstances of the case, there being no specific allegation of commission of overt act against this petitioner, the petitioner has remained in jail for over one year, investigation against him is complete, therefore, this Court directs release of the petitioner above named on bail on furnishing of bail bonds of Rs.25,000/- (Rupees Twenty Five Thousand Only) with two sureties of the like amount each to the satisfaction of learned A.D.J. VI-cum-Exclusive Special Court (POCSO Act), Munger in connection with POCSO Case No. 39 of 2020 arising out of East Colony P.S. Case No. 32 of 2020, subject to the conditions 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 is suspected, and

(c) that such persons shall not directly or indirectly

make and 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.

The application stands allowed.

(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'.