

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4519 of 2021

Arising Out of PS. Case No.-328 Year-2020 Thana- KHIJARSARAI District- Gaya

Raja Kumar @ Raja Munna male aged about 39 years, Son of Lalan Singh,
Resident of Village- Sayedpur, PS P. S.- Khizer Sarai District Gaya.

... .. Petitioner

Versus

The State of Bihar

... .. Opp Party

Appearance :

For the Petitioner	:	Mr. Madhav Roy Advocate
For the State	:	Ms. Renu Kumari, APP
For the informant	:	Mr. Sheikh Arkan Ahmad Advocate

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

3 29-06-2021 In view of the sudden resurgence of Covid-19 infection, there is limited functioning of the High Court and, therefore, the matter has been listed today for consideration through virtual mode.

2. Heard learned counsel for the petitioner, informant and learned counsel for the State

3. The petitioner seeks bail in Khizer Sarai P.S. Case No. 328 of 2020, instituted for the offence under Sections 147, 148, 149, 341, 323, 342 and 302 of the Indian Penal Code.

4. Learned counsel for the petitioner is expected to honour his undertaking given in the instant case for depositing the requisite court fee and to remove the defects as pointed out by office when called upon to do so by the office.

5. The prosecution case is that there was a quarrel between the youngsters of the village. The elders have also intervened and, in the process, it is alleged that the petitioner



and other co-accused persons have assaulted the informant's husband. On account of injuries sustained, he has subsequently died.

6. The learned counsel for the petitioner submits that the petitioner has been been implicated on account of political rivalry as he happens to be sitting '*Mukhiya*'. The informant herself has lodged a protest petition Annexure-2 of the bail application and deposed before the Court under Section 164 Cr.P.C. stating that while he was wailing and crying her signature has been been obtained on a piece of paper and the FIR in-question lodged. In her statements, recorded under Section 164 Cr. P. C.(Annexure-3), she unequivocally stated about false implication of the petitioner. The fact that her signature has been misused is apparent from bare perusal of the FIR itself, wherein, her signature is in '*urdu*' and the contents of the FIR are full in Hindi. The petitioner has been arrested from his home on 21.10.2020 though he has no criminal antecedents.

7. The learned APP representing the State has opposed the prayer for bail.

8. Considering the rival submissions, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/-(Ten thousand) with two sureties of the like amount each to the satisfaction of the **learned ACJM Gaya**, in connection **with Khizer Sarai P.S. Case No. 328 of 2020**, subject to the following conditions:-

(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.



(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

shyambihari/-

U			
---	--	--	--

