

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8967 of 2021

Arising Out of PS. Case No.-182 Year-2020 Thana- PHULWARIYA District- Gopalganj

1. Rahul Kumar @ Rahul Kumar Verma, Son of Shankar Verma, Resident Of Village- Mishra Penula (Mishrapendula), Police Station- Phulwaria, District- Gopalganj.
2. Shankar Verma, Son Of Late Ramnareshi Verma @ Ramnaresh Verma, Resident Of Village- Mishra Penula (Mishrapendula), Police Station- Phulwaria, District- Gopalganj.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Lokesh Kumar Singh, Advocate
For the Opposite Party/s : Mr.Nand Kishore Prasad, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

5 02-08-2021 The matter has been taken up today for consideration through video conferencing.

The learned counsels are appearing and making submissions from their residence. The Court Master and Secretary are also part of this virtual Court proceedings from their homes, all with the aid of audio visual technology.

Heard learned Counsel for the petitioners and the learned APP for the State.

The petitioners seek bail in connection with Phulwaria P.S. Case No.182 of 2020 registered for the offence punishable under Section 302/34 of the Indian Penal Code.

The allegation against Petitioner No.1, Rahul



Kumar @ Rahul Kumar Verma, is of assaulting the informant's sister on her head by means of '*Dabiya*'. Petitioner No.2, Shankar Verma, along with some others have allegedly assaulted her by means of '*Lathi*'. The occurrence has occurred due to existing land dispute and cutting of bananas tree standing on the disputed land.

The petitioners' counsel submits that the petitioners have fair antecedents. Occurrence has taken place on 06.08.2020, F.I.R., however, has been lodged more than 24 hours later on 07.08.2020. They are in custody since 08.08.2020.

The submission is that it is a false case and delay in lodging the FIR is clear indication of the same. Petitioner No.2 is stated to be a Senior Citizen.

Learned APP for the State, with reference to the case diary, which had earlier been requisitioned, submits that the motive has been supported by the eye-witness during the investigation. The delay in lodging the FIR, having regard to the nature of injuries sustained by the informant's sister, has occurred as the primary concern was treatment of the victim. It is further submitted that the inquest report, which has been taken note of in the case diary, supports the allegation of assault



on the head by a sharp-cutting weapon.

Considering the rival submissions, this Court is not inclined to allow Petitioner No.1, namely, Rahul Kumar @ Rahul Kumar Verma, the benefit of bail. The same is rejected.

The case of petitioner No.2 is being considered with the background of the allegation that assault by '*Lathi*' has been attributed to more than one persons, including Petitioner No.2, whereas the informant's sister has sustained only one '*Lathi*' injury on her neck. Petitioner No.2 is also stated to be about 61 years old. Prayer for bail on behalf of Petitioner No.2 is allowed.

Accordingly, let the Petitioner No.2, Shankar Verma, 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 Judicial Magistrate-1st Class, Gopalganj, in connection with Phulwaria P.S. Case No.182 of 2020, subject to the following conditions:

- (i) That one of the bailors will be a close relative of petitioner no.2 who will give an affidavit giving genealogy as to how he is related with the said petitioner. The bailor will also undertake to inform the court if there is any change in the address of



petitioner no.2.

(ii) That petitioner no.2 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.

This Court would expect that the petitioners' counsel would honour his undertaking in the instant proceedings regarding supply of the requisite court fee etc. within two weeks from the date he is called upon to do so by the office.

(Madhuresh Prasad, J)

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