

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3131 of 2022

Arising Out of PS. Case No.-84 Year-2020 Thana- RAGHOPUR District- Vaishali

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SHRAWAN KUMAR Son of Harshit Rai Resident of Village - Saidabad, P.s.-
Raghopur, Distt.- Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shivjee Singh

For the Opposite Party/s : Mr. Dinesh Singh

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CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR

ORAL ORDER

5 19-12-2022 Heard learned counsel for the petitioner and

learned APP for the State.

The petitioner seeks bail in connection with

Raghopur P.S. Case No. 84 of 2020, registered for the

offences punishable under Sections 302 and 34 of the Indian

Penal Code.

The prosecution story as emerging from the FIR is

that the accused persons assaulted the father of the



informant due to which he sustained injuries and later on died.

The learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. He further submits that as per the allegation, the petitioner was wielding a sharp cut weapon and he assaulted the alleged victim on head, which resulted into his death. However, as per the postmortem report there was no sharp cut injury on the head of the deceased. As per the postmortem, there was lacerated wound of 1½x1/2 inch on the head and cause of death was hemorrhage and shock, caused by hard and blunt substance. He also submits that as per the allegation other accused persons were carrying danda and rod and assaulted the deceased and they have already been enlarged on anticipatory bail by a coordinate Bench of this Court vide order dated 17.04.2021 passed in Cr. Misc. No. 36479 of 2020. He also submits that investigation in this case is complete and charge-sheet has already been submitted. Though charge is yet to be framed.

The petitioner has been languishing in jail since



06.06.2022.

It is also stated in paragraph no. 2 of the petition that the petitioner has not moved earlier before this Court for grant of anticipatory bail or regular bail.

It has further been stated in paragraph no. 3 that the petitioner has no criminal antecedent.

However, the learned APP for the State vehemently opposes the prayer of the petitioner for bail submitting that he is the main assailant and on account of injury caused by him the alleged victim had died.

Considering the aforesaid facts and circumstance, the petitioner, above-named, is directed to be released on bail on his furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the Ld. Chief Judicial Magistrate-IX, Vaishali, in connection with Raghopur P.S. Case No. 84 of 2020, **after framing of charge, if not already framed**, on the following conditions:

(i) The petitioner will make himself available for interrogation by a police officer/court as and when required.



(ii) The petitioner will undertake that investigation/trial will not hamper on account of his absence or non-cooperation. He must be available to the police or the court whenever his presence is required.

(iii) The petitioner 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.

(iv) In case, it is brought to the notice of the court below that the petitioner has any criminal antecedent, the learned court below shall cancel the bail bond of the petitioner after hearing him and getting satisfied that the petitioner has concealed his criminal antecedent despite his knowledge of the same.

(v) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, the learned court below shall cancel the bail bond of the petitioner.

The application stands allowed accordingly.



The learned counsel for the petitioner is directed to remove all the defects, if any, pointed out by the office within a period of one month and the Registry is directed to issue the certified copy of this order only after removal of office objections.

(Jitendra Kumar, J)

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