

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4202 of 2022

Arising Out of PS. Case No.-139 Year-2014 Thana- ARER District- Madhubani

Sanjay Kushwaha Son of Ramchandra Kushwaha Resident of Village-
Jamuari, P.S.- Arer, District- Madhubani.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Subhash Kumar Jha, Advocate

For the Opposite Party/s : Mr. Ashok Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 16-11-2022 Heard learned counsel for the petitioner and learned
APP for the State.

Let the defect (s), as pointed out by the office, be
removed within a period of four weeks.

In the present case, the petitioner seeks bail in
connection with Arer P.S. Case No. 139 of 2014 registered for
the alleged offences under Sections 147, 148, 149, 323 and 302
of the Indian Penal Code.

As per prosecution case, the petitioner and other co-
accused persons assaulted the father of the informant with lathi
and danda and forcibly took him to the house of the co-accused
Ramchandra Kushwaha where he was further assaulted. The
father of the informant died during course of his treatment.

The learned counsel for the petitioner submits that the



petitioner is innocent and has been falsely implicated in this case. There is an old enmity between the parties and other this is apparent from the FIR. The father of this petitioner has filed a Complaint Petition Bearing No.1115 of 2014 which was later on converted as Arer P.S. Case No. 101 of 2014 for offence under Sections 147, 148, 323, 324, 325, 326, 379 and 504 of the Indian Penal Code against the informant and his family members and the present case is a counter blast of the said case. From the FIR, it is also clear that nine persons are stated to be assailants but the post mortem report of the deceased shows only four injuries on his person. Moreover, the allegations are mostly general and omnibus against all accused persons including this petitioner. Learned counsel further submits that similarly placed three co-accused persons have been granted bail by this Court by different Co-ordinate Benches vide order dated 04.01.2016 and 24.08.2016 passed in Cr. Misc. No. 40498 of 2015 and Cr. Misc. No. 18819 of 2016, respectively. Learned counsel further submits that the petitioner is having clean antecedent and in custody since 26.02.2021 and charge-sheet has been submitted.

Learned APP opposes the submission made on behalf of the petitioner submitting that due to assault by the petitioner



and other co-accused persons, the father of the petitioner died and postmortem report supports this fact. Learned APP further submits that though some of the co-accused persons have been granted bail by different Co-ordinate Benches but another set of co-accused persons have been refused bail by other Co-ordinate Benches.

Perused the records.

Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the non-specific nature of allegation against the petitioner and further considering the period of custody along with the submission of charge-sheet, the petitioner above named is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-11th, Madhubani in connection with Arer P.S. Case No. 139 of 2014, subject to the conditions mentioned in Section 437(3) of the Cr.P.C. and the following conditions:

- (i) One of the bailors will be close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below.



(iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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