

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19525 of 2022**

Arising Out of PS. Case No.-261 Year-2021 Thana- SURSAND District- Sitamarhi

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SAAJAN DAS Son of Sitay Das Resident of Village - Radhaur, Ward no.12,
P.S.- Sursand, Distt.- Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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with

CRIMINAL MISCELLANEOUS No. 22010 of 2022

Arising Out of PS. Case No.-261 Year-2021 Thana- SURSAND District- Sitamarhi

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PAWAN DAS SON OF SITAY DAS R/O VILLAGE- RADHAUR, WARD
NO.-12, P.S.- SURSAND, DISTRICT- SITAMARHI

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

(In CRIMINAL MISCELLANEOUS No. 19525 of 2022)

For the Petitioner/s : Mr. Subodh Kumar, Adv.

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

For the informant : Mr. Surendra Prasad Singh, Adv.

(In CRIMINAL MISCELLANEOUS No. 22010 of 2022)

For the Petitioner/s : Mr. Subodh Kumar, Adv.

For the Opposite Party/s : Mr. Md. Ataur Rahman, APP

For the Informant : Mr. Surendra Prasad Singh, Adv.

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 20-09-2022 Heard learned counsel for the petitioners and

learned counsel for the informant as well as the learned

A.P.P. for the State.

The petitioners seek bail in a case registered for

the offence under Sections 302, 307, 323, 341, 447, 504,

506/34 of the Indian Penal Code.

The petitioner along with others are said to have



been assaulted the informant by wooden stick and rods and on protest and rescue made by the sons of the informant, the accused persons have assaulted them also. It is the specific case of the informant that Saajan Das threw Raushan Kumar on the ground and he rode on his chest and stomach due to which he became unconscious. Further the accusation is accused Pawan Das assaulted Jitendra Kumar on his head and nose with wooden stick causing injuries. Thereafter Sajjan Das assaulted Guddu Kumar, who is youngest son of the informant with fists and slaps and upon the intervention of the villagers, the informant and theirs sons are rescued and accordingly both the sons of the informant sent to the hospital for their treatment but the middle son of the informant, namely, Raushan Kumar died during course of treatment.

Learned counsel appearing for the petitioners submits that the petitioners, who are of clean antecedent, are innocent and have falsely been implicated in this case. He further submits that according to the F.I.R., the petitioner, Saajan Das has thrown Raushan Kumar (deceased) on the ground and he rode on his chest and stomach leading to his unconsciousness. So far as accusation of petitioner, Pawan



Das is concerned, he has assaulted Jitendra Kumar on his head and nose with wooden stick resultantly blood was oozing out from the injuries. He further submits that though the allegation of assault are leveled against the petitioners but the injury report suggests that the victims have got simple injury which is evident from Annexure-2 and the postmortem report also does not contain record of any external injury on the person of the deceased. The petitioners are rotting in judicial custody since 08.06.2021.

On the other hand, learned A.P.P. for the State has vehemently opposed the prayer for bail of the petitioners and submits that there is direct allegation against the petitioner, namely, Saajan Das, who dashed the deceased and assaulted him on his chest and stomach due to which he became unconscious.

Considering the facts and circumstances of the case, let the, above named, petitioners be released on bail, **after framing of charge**, on furnishing bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Court below where the case is pending in connection with Sursand P.S. Case No. 261 of 2021 with the following conditions:-



(1) Petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on their absence on two consecutive dates without sufficient reason, their bail bond shall be canceled by the Court below.

(2) If the petitioners tamper with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

And, further condition that the court below shall verify the criminal antecedent of the petitioners and in case at any stage, it is found that the petitioners have concealed their criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioners. 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.

(Rajesh Kumar Verma, J)

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