

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29615 of 2021

Arising Out of PS. Case No.-416 Year-2020 Thana- BHAGWAN BAZAR District- Saran

GULAM RABANI @ RINKU S/o Abdul jabar R/o village- Daulatganj
Mirchaiya Tola, P.S.- Bhagwan Bazar, Distt.- Saran at Chapra.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Chandra Mohan Jha, A.P.P

For the Opposite Party/s : Mr.Choubey Jawahar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

7 09-02-2022 Heard the parties through video conferencing.

Heard learned counsel appearing on behalf of
petitioner and learned A.P.P. appearing for the State.

The petitioner, who is in custody since 15.12.2020,
seeks bail in connection with Bhagwan Bazar P.S. Case No. 416
of 2020, registered under Sections 448, 341, 323, 354, 307, 504,
506/34 and 302 of Indian Penal Code, pending in the Court of
learned Addl. Chief Judicial Magistrate-I, Saran at Chapra.

The prosecution case, in brief, is that on
11.09.2020, while informant was in her house, then around
9.00 A.M. co-accused Mainuddin was doing obscene activities
with Khushbun Khatoon with intention to commit rape. On her
cry, when the informant went to save, then co-accused
Jainuddin Ali Ahmad caused injury to her and also caused



injury on the thigh of Khushbun. When her son Adil came to intervene, then the petitioner caused injury with rod on his head. Thereafter, co-accused Mainuddin assaulted to Adil with Lathi. The informant and both the injured persons were admitted to Sadar Hospital, Chapra. The accused persons also threatened not to file case otherwise they would kill them. It is alleged that in course of treatment, the son of informant Adil died in P.M.C.H., Patna.

Learned counsel appearing on behalf of petitioner submits that petitioner is innocent and he has falsely been implicated in this case. He further submits that there is case and counter case. He further submits that in course of investigation, nothing has surfaced against the petitioner that he has assaulted the son of informant, who has died in course of treatment. He further submits that there is general and omnibus allegation has been made against the petitioner, the main allegation has been made against co-accused Mainuddin, who was seen making obscene activity, while Khushbun was in her house, which led to some quarrel and petitioner has been roped due to previous enmity on frivolous allegation. The petitioner is in custody since 15.12.2020.

Learned A.P.P. for the State has opposed the prayer



for grant of bail to the petitioner. He has referred paragraph No. 5 and 6 of the case diary in which the independent witnesses supported the case of prosecution that the petitioner, who was armed with iron-rod, along with other co-accused assaulted the son of informant on the head of the son of informant, who died in course of treatment at P.M.C.H. He further refers paragraph No. 64 of the case diary, which contains Postmortem report and the opinion of the Doctor has been collected by the Court below in the impugned order, which confirms the cause of death is due to haematoma underneath the scalp and there are several injuries, which has been found in the linear fracture on right fronto parietal and right ear caused by iron rod and other weapons as such petitioner does not deserve to be released on bail.

Considering the aforementioned facts and circumstances of the case, there is direct allegation against the petitioner and the fact that petitioner has assaulted the son of informant by means of iron-rod on his head with intent to kill him along with other co-accused persons, which caused grievous injury leading to the death of the deceased, I am not inclined to enlarge the petitioner on bail. Accordingly, the prayer for grant of bail to the petitioner, above named, is



rejected.

The trial Court is directed to conclude the trial expeditiously. If the petitioner, so advised, may renew his prayer for bail, if no substantial progress takes place in the trial.

(Purnendu Singh, J)

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