

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36928 of 2021

Arising Out of PS. Case No.-395 Year-2020 Thana- SHERGHATI District- Gaya

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DHARMENDRA PRAJAPAT @ DHARMENDRA PRAJAPATI @
DHARMENDRA KUMAR Son of Arjun Prajapat @ Arjun Prajapati Resident
of Village Mora Tanr, P.S. Bodhgaya, District - Gaya.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Ajay Kumar Sinha, Adv.
For the State	:	Mr. Ram Sumiran Rai, APP
For the Informant	:	Mr. Kamal Kumar Sinha, Adv.

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CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

3 03-02-2022 Heard learned counsel for the parties through video conferencing.

The petitioner has preferred this application for grant of regular bail in a case registered under section 307 and other sections of the Indian Penal Code to which section 302 of the Indian Penal Code was added subsequently.

As per the prosecution case, the seven accused persons including the petitioner herein came variously armed with lathi, danda, farsa etc. They started to abuse and assault the informant's father and the petitioner is said to have given a blow on the head of the informant's father with a Sabbal.

It is submitted by learned counsel for the petitioner that the petitioner has been falsely implicated in the case. There is case and counter case between the parties. The father of the



informant died a month later in course of treatment. The petitioner has remained in custody since 17.8.2020 and has no criminal antecedent.

The application for bail is opposed by learned A.P.P. for the State and learned counsel for the informant. Learned counsel for the informant submits that there is direct allegation against the petitioner of having assaulted the informant's father with a Sabbal leading to his death. The same is supported by the post-mortem report.

In response, it is submitted by learned counsel for the petitioner that from the post-mortem report, it would be evident that the so called injury on the deceased had healed.

Having heard learned counsel for the parties and taking into consideration the facts of the case together with the petitioner having remained in custody for 1 year 5 months, the Court directs the petitioner to be enlarged on bail in connection with Sherghati P.S. Case no.395 of 2020 on furnishing bail bond of Rs.10,000/ (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate, Sherghati, District Gaya.

(Partha Sarthy, J)

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