

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.40717 of 2021**

Arising Out of PS. Case No.-377 Year-2019 Thana- BARACHATTI District- Gaya

Rajesh Ravidash Son Of Jitan Ravidas Resident Of Village- Misrichak, P.S.-
Tankuppa, District- Gaya, At Present Resident Of Village- Bodh Gaya
Pachhatti, P.S.- Bodh Gaya, District- Gaya.

... .. Petitioner

Versus

The State Of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s	:	Mr. Vikram Deo Singh, Advocate Mr. Sudhir Kumar Sinha, Advocate
For the Opposite Party/s	:	Mr. Nagendra Prasad, APP

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

3 14-02-2022 Learned counsel for the petitioner undertakes to remove all the defects pointed out by the Stamp Reporter within four weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner and Mr. Nagendra Prasad, learned APP for the State.

The petitioner in the present case is seeking regular bail in connection with Barachatti (Mohanpur) P.S. Case No. 377 of 2019 registered for the offences punishable under Sections 341, 323, 448, 307, 379, 427, 504, 506/34 and 302 of the Indian Penal Code. He has no criminal antecedent and has remained in custody in connection with this case since 14.03.2021.

Learned counsel for the petitioner submits that the present case has been lodged by one Sangeeta Devi who has alleged that while she was working as Aganwadi Sevika in the Aganwadi Centre,



a scuffle took place with one Niru Manjhi, the dispute was settled between the parties but later on her co-villagers Saryu Ravidas and Dilip Ravidas indulged in *marpit* then on hearing sound when she reached there, she saw that Rakesh Ravidas and Kapil Ravidas were in support of Saryu Ravidas and they reached there and assaulted Dilip Ravidas then Dilip Ravidas also assaulted by wooden piece on the head of Rakesh Ravidas due to which he fell down then Raju Ravidas, sister Sunaina Devi, Behnoi Rajesh Ravidas, Gauri Devi, Arti Devi, Niru Manjhi and other named accused came assaulted to Dilip Ravidas and from the side of Dilip Ravidas, Savita Devi, Gyanti Devi, Kiran Devi and others came and they tried to rescue him.

Learned counsel submits that initially the case was registered under the various Sections of Indian Penal Code but later on Rakesh Ravidas died as a result whereof Section 302 IPC has also been added.

Learned counsel further pointed out that this case is a counter blast of the case lodged by Saryu Ravidas (petitioner's side) being Barachatti (Mohanpur) P.S. Case No. 376 of 2019 dated 22.08.2019 against the informant and others under Section 302 IPC.

Learned counsel further submits that so far as this petitioner is concerned, there is no allegation at all that he had caused any assault on the deceased Rakesh Ravidas. The allegations are general and omnibus to the extent that after the assault received from



Dilip Ravidas, Rakesh Ravidas fell down then all the co-accused named therein assaulted him.

Learned counsel further submits that the post-mortem report of the deceased does not show multiple injuries and the co-accused Sima Devi, Urmila Devi, Kapil Ravidas and Raju Ravidas have been granted regular bail by a learned Co-ordinate Bench of this Court in Cr. Misc. No. 23148 of 2021. It is further pointed out that co-accused Sunaina Devi, Gauri Devi and Girija Devi were granted anticipatory bail by this Court in Cr. Misc. No. 26880 of 2020, however, in the said order, it appears that inadvertently the added Section 302 IPC has not been typed which may be a typographical error.

Learned APP for the State has though opposed the prayer for bail of the petitioner but does not dispute that the case of this petitioner seems to be similarly situated with the co-accused who have been granted regular bail by a learned Co-ordinate Bench of this Court.

Considering the facts and circumstances of the case, there being no specific allegation against the petitioner, the allegation being general and omnibus and the co-accused having been granted privilege of bail, the petitioner has remained in custody for a substantial period and investigation against him is complete, therefore, this Court directs release of the petitioner above named on bail on furnishing of bail bonds of Rs.25,000/- (Rupees Twenty Five



Thousand Only) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate, Sheghati, District-Gaya in connection with Barachatti (Mohanpur) P.S. Case No. 377 of 2019, subject to the conditions as laid down under Section 437(3) Cr.P.C.

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

The application stands allowed.

(Rajeev Ranjan Prasad, J)

SUSHMA2/-

U		T	
---	--	---	--

Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

