

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42111 of 2021**

Arising Out of PS. Case No.-300 Year-2021 Thana- RUNISAIDPUR District- Sitamarhi

BABLU SAH S/o Shivji Sah R/o village- Kharka, P.S.- Runni Saidpur, Distt.-
Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr. Vaidehi Raman Prasad Singh, Adv.
For the Opposite Party/s :	Mr. Shailendra Kumar, APP
For the Informant :	Mr. Alok Kumar Jha, Adv.

**CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER**

2 03-02-2022 Heard Mr. Vaidehi Raman Prasad Singh, learned
counsel for the petitioner, Mr. Shailendra Kumar, learned
Additional Public Prosecutor for the State and Mr. Alok Kumar
Jha, learned counsel for the informant through video
conferencing.

Petitioner seeks regular bail in connection with Runni
Saidpur PS Case No. 300/2021 registered for the offence
punishable under Sections 341, 324, 307, 354(B), 302/34 of the
IPC.

As per First Information Report, the petitioner along
with other accused persons six in numbers entered into the
house of the informant and lifted the mother of the informant,
pulled her *Sari* and blouse in order to outrage her modesty and
upon her scream, Ajay Mahto, brother and Jamun Mahto his



father came to save his mother whereupon Rajesh Sah, Pankaj Sah, Jit Sah and Bhikhari Sah came armed with sword and *Farsa* and assaulted the brother, mother and father of the informant. Thereafter, they were treated in PHC, Runni Saipur and then they were referred to SKMCH, Muzaffarpur from where after treatment they came back to their home. Then on 18.05.2021, the condition of Jamun Mahto, father of the informant got deteriorated and he died on the way itself while he was being taken to the SKMCH, Muzaffarpur.

Learned counsel for the petitioner submits that the petitioner has got no criminal antecedent and he has falsely been implicated in this case due to village dispute and he has not committed any offence in the manner alleged. He further submits that there is inordinate delay in lodging of the FIR inasmuch as the occurrence took place on 14.05.2021 but the FIR has been lodged on 18.05.2021 i.e., after four days having no explanation for the delay. He further submits that insofar as allegation of outraging modesty of mother of the informant is concerned, the allegation against petitioner and five others are general and omnibus in nature.

Learned counsel referring to injury report of the deceased (Annexure-2) submits that from the perusal of the



same, it would be evident that the deceased, Jamun Mahto was examined by the doctor of C.H.C, Runni Saidpur on 14.05.2021 at 10.33 PM and the doctor opined the injuries to be simple in nature caused by hard and blunt substance. Thereafter, he was discharged from the hospital which would be evident from the FIR itself.

Learned counsel next submits that on the basis of death of Jamun Mahto, the FIR has been lodged after delay of four days. He next submits that postmortem was held on 19.05.2021 and the doctor has found fracture on the left temporal bone and time since death was given within 24 hours which goes to show that the deceased, Jamun Mahto had received injuries in different incident which took place in a different manner of assault not made by accused persons on the date of occurrence i.e. on 14.05.2021. He further submits that there is no allegation of assault upon the deceased or upon any other persons against the petitioner and he is in custody since 08.06.2021 and the charge-sheet has been submitted in the matter.

On the other hand, learned counsel for the informant opposed the prayer for bail of the petitioner and submits that petitioner along with other accused persons forming an unlawful



assembly entered into the house of informant and some of them assaulted the brother, mother of the informant and also his father who subsequently, died.

Regards being had to the submissions made by the parties and taking into consideration the material on record and the fact that there is no direct allegation of assault against the petitioner, there appears to be discrepancy in the injury report *vis-a-vis* postmortem report of the deceased, I am inclined to grant regular bail to the petitioner.

Accordingly, let the petitioner, BABLU SAH 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 Chief Judicial Magistrate-Sitamarhi in connection with Runni Saidpur PS Case No. 300/2021.

(Anil Kumar Sinha, J)

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