

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47232 of 2021

Arising Out of PS. Case No.-94 Year-2021 Thana- KHAGAUL District- Patna

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Rahul Kumar @ Rahul Kumar Singh Son of Suresh Singh Resident of
Mohalla - Lekha Nager, Near DAV School, P.S. - Khagaul, District - Patna.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Ajay Kumar Thakur, Advocate
For the Informant	:	Mr. Saket Anand, Advocate
For the Opposite Party/s	:	Mr. Chandra Bhushan Prasad, APP

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

4 22-02-2022 Heard Shri Ajay Kumar Thakur, learned counsel for

the petitioner, Shri Saket Anand, learned counsel for the

informant and Shri Chandra Bhushan Prasad, learned A.P.P. for

the State.

The petitioner seeks bail in connection with Khagaul
P. S. Case No. 94 of 2021 instituted for the offences under
Sections 323, 341, 342, 324, 325, 302, 307, 385, 504, 506 and
34 of the Indian Penal Code.

The learned counsel for the petitioner submits that the
petitioner is in custody since 01.06.2021, charge-sheet has been
submitted and has antecedent of one case.

Learned counsel for the petitioner submits that the
informant alleges that while he was repairing his water supply



pipe on 27.04.2019, his neighbor Suresh Singh along with his son, Bharat Kumar Singh and Rahul Kumar (petitioner), Rashmi Kumari and Sushila Kumari came and started objecting repairing of the water supply pipe and started assaulting with *lathi*, *danda* and rod. Further, the informant suffered injury on account of assault by rod leading to fracture of his left hand and head and his brother Mukesh Singh, wife Nitu Devi and father Ajit Bihari Singh (deceased) came to save him, they were also assaulted leading to injury as detailed in the F.I.R. It is further alleged that deceased was assaulted by rod on head leading to injuries and he died during the course of treatment.

Learned counsel for the petitioner submits that the petitioner's family members instituted Khagaul P. S. Case No.38 of 2021 alleging that the present informant's side were trying to lay sewerage line through their plot and on objection, there was a fight leading to injury. Learned counsel further submits that the petitioner's sister Rashmi Kumari was to be married on 02.05.2021 and Tilak ceremony was to be held on 28.04.2021 and thus the present informant's side tried to disrupt the function and thus, created ruckus on 27.04.2021, a day prior to the Tilak of Rashmi Kumari leading to the occurrence.

Learned counsel for the petitioner, thus, submits that



since petitioner's sister was getting married, no prudent man prior to function would have indulged in an occurrence and thus, disrupt the marriage of his sister and get implicated in a case. It is also submitted that the petitioner, his brother and father also received serious injuries on vital part of the body and were treated at P.M.C.H., in support thereof the photographs of the injured are annexed in the bail application. Further, it is alleged that on the statement of the father of the petitioner recorded at P.M.C.H., Khagaul P. S. Case No. 95 of 2021 under Section 307 and other allied Sections of the I.P.C. was instituted. Learned counsel further submits that the C.C.T.V. footage of the occurrence was not seized by the police which would have made the occurrence clear that who was at fault.

Learned counsel for the informant as well as learned A.P.P. for the State oppose the bail application and submit that the informant suffered injuries and the father of the informant died during the course of treatment. Learned counsel for the informant also submits that the injuries on the side of the petitioner were simple in nature and as such the police after investigation did not submit charge-sheet under Section 307 of the I.P.C. but is not able to meet the submissions of the learned counsel for the petitioner that why a family would indulge in



such an act prior to a day when Tilak of the daughter of the family was fixed and get implicated in a case and disrupting the entire marriage function.

Learned counsel for the petitioner at this stage submits that since there was a dispute relating to sewerage line as such, the occurrence took place and the side of the informant did not even wait to get the issues settled after marriage of Rashmi Kumari rather even falsely implicated her also in the case and thus completely disrupted the marriage ceremony. Learned counsel further submits that similarly situated co-accused Bharat Kumar Singh has been granted bail vide order dated 24.01.2022 passed in Cr. Misc. No. 47856 of 2021.

Considering the fact that the petitioner is in custody since 01.06.2021, charge-sheet has been submitted in the case and taking into consideration the submissions made by the learned counsel for the petitioner and also that similarly situated co-accused has been granted bail, the petitioner above-named is directed to be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M., Danapur/ concerned Court in connection with Khagaul P. S. Case No.94 of 2021.



The Court would expect the learned trial court to expedite the trial and conclude the same as expeditiously as possible.

(Satyavrat Verma, J)

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