

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47856 of 2021

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

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Bharat 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
	Mr. Amrendra Narayan Rai
For the Opposite Party/s :	Ms. Gulnar Begum
	Mr. Amrit Kumar
	Mr. Saket Anand
	Ms. Chhaya Kirti
	Mr. Ajay Kumar

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 24-01-2022 Heard learned counsel for the petitioner, learned

counsel for the informant and learned APP for the State through

video conferencing.

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 07.07.2021, he is a person with

clean antecedent and charge-sheet has been submitted in the

case.

The learned counsel for the petitioner submits that the

informant alleges that while he was repairing his water supply



pipe on 27.04.2019, when his neighbor Suresh Singh along with his son Bharat Kumar Singh (petitioner) and Rahul Kumar and Rashmi Kumari (daughter) and Sushila Kumari (wife) 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.

The 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. The 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 then 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.



The learned counsel for the petitioner, thus, submits that since the sister of the petitioner was getting married, no prudent person prior to function would have indulged in an occurrence and thus, disrupt the marriage 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. Further 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. The learned counsel for the petitioner 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.

The learned counsel for the informant as well as learned A.P.P. for the State opposes the bail application and submits that the informant suffered injuries and the father of the informant died during the course of treatment, but is not able to meet the submission of the learned counsel for the petitioner that why a family would indulge in such an act prior to a date when Tilak of the daughter of the family was fixed and get implicated in a case, thus, disrupting the entire marriage function.



The 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 implicated her also falsely in the present case.

Considering the fact that the petitioner is in custody since 07.07.2021, he is a person with clean antecedent, charge-sheet has been submitted in the case and for the facts as recorded aforesaid, the petitioner, above-named, is directed to be released on bail on his furnishing bail-bonds in the sum 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, Patna in connection with Khagaul P. S. Case No.94 of 2021.

The application stands allowed.

(Satyavrat Verma, J)

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