

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49461 of 2021

Arising Out of PS. Case No.-28 Year-2021 Thana- FESHAR District- Aurangabad

Jitendra Ram, Son of Late Dharokshan Ram, Resident of Village- Deoriya
Kala, Tola Tatyerganj, P.S.- Fessar, District- Aurangabad.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Krishna Prasad Singh, Sr. Advocate
		Mr. Shailesh Kumar Singh, Advocate
For the Opposite Party/s	:	Mr. Amitesh Kumar, APP
For the Informant	:	Mr. Sanjay Kumar Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 28-02-2022 Heard Mr. Krishna Prasad Singh, learned senior counsel for the petitioner, assisted by Mr. Shailesh Kumar Singh, Advocate, Mr. Amitesh Kumar, learned APP for the State and Mr. Sanjay Kumar Singh, learned counsel for the informant.

The petitioner seeks bail in connection with Fessar P.S. Case No. 28 of 2021 registered under Sections 341, 323, 147, 148, 149, 427, 302, 307, 506 and 504 of the Indian Penal Code.

Learned senior counsel for the petitioner submits that the petitioner is in custody since 06.04.2021, charge-sheet has been submitted and a person with clean antecedent.

Learned senior counsel further submits that the informant in the F.I.R. alleges that Rajendra Ram assaulted



father of the informant with Iron rod causing injury, further Upendra Ram and Harendra Ram assaulted Chandan Ram and Hira Lal Ram by Iron rod causing injury on head, when they came to save the father of the informant, further Jitendra Ram brought the father of the informant outside the house and assaulted by Sword on head and he became unconscious and thereafter Vijay Ram and Rajesh Kumar assaulted the father of the informant (deceased) by Lathi, who was taken to hospital for treatment at Sadar Hospital, Aurangabad from where he was referred to PMCH, Patna, further the occurrence took place as Rajendra Ram was asking for vote for his wife, which was objected by the informant on the ground that during election he swipes the voter in a different ward by getting their name deleted.

Learned senior counsel submits that the petitioner has been falsely implicated in the present case, the father of the informant died four days after the occurrence on 22.03.2021, further from the post-mortem report it would be clear that though he had received injury on head, but the same was caused by hard and blunt substance and as far as this petitioner is concerned against him it is alleged that he assaulted by sword when the allegation of assaulting the deceased by Iron rod on



head is on Rajendra Ram.

The learned APP and the learned counsel for the informant opposes the bail application, but are not able to meet the submissions of the learned senior counsel of the petitioner that the deceased died on account of assault by hard and blunt substance, which was inflicted by Rajendra Ram and there was no incised wound on the head of the deceased.

Considering the fact that the petitioner is in custody, charge-sheet has been submitted and the post-mortem report records that the death was caused on account of assault by hard and blunt substance, the petitioner, named above, 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 Chief Judicial Magistrate, Aurangabad in connection with Fessar P.S. Case No. 28 of 2021.

(Satyavrat Verma, J)

uday/-

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

