

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44482 of 2022

Arising Out of PS. Case No.-277 Year-2020 Thana- DARIYAPUR District- Saran

Manoj Kumar @ Manoj Rai Son of Rajendra Rai Resident of Village -
Dharmangat, P.s.- Dariyapur, Distt.- Saran at Chapra.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 49056 of 2022

Arising Out of PS. Case No.-277 Year-2020 Thana- DARIYAPUR District- Saran

Bittu Rai @ Brij Mohan Rai S/O Devendra Prasad Yadav resident of village-
dharmagat, p.s.- Dariyapur, District- Saran.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 65496 of 2022

Arising Out of PS. Case No.-277 Year-2020 Thana- DARIYAPUR District- Saran

1. Gautam Kumar @ Gautam Rai @ Gautam Kumar Rai Son Of Harendar Rai
R/O Village- Dharmagat, Mujauna, P.S.- Dariyapur, District- Saran
2. Ritesh Kumar Son Of Harendar Rai R/O Village- Dharmagat, Mujauna, P.S.-
Dariyapur, District- Saran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 44482 of 2022)

For the Petitioner : Mr. Dhananjay Kumar Tiwary, Advocate

For the State : Mr. Rajendra Singh, APP

(In CRIMINAL MISCELLANEOUS No. 49056 of 2022)

For the Petitioner : Mr. Dhananjay Kumar Tiwary, Advocate

For the State : Mr. Sanjay Kumar Singh, APP

(In CRIMINAL MISCELLANEOUS No. 65496 of 2022)

For the Petitioner : Mr. Dhananjay Kumar Tiwary, Advocate



For the State : Mr. Naveen Kr. Pandey, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

CRIMINAL MISCELLANEOUS No.44482 of 2022

2 14-12-2022 Heard learned counsel appearing on behalf of the petitioner and learned APP appearing on behalf of the State.

The petitioner seeks bail in connection with Dariyapur P.S. Case No.277 of 2020 registered for the offence under Sections 341, 323, 307, 504. 506, and 34 of the Indian Penal Code and Section 302 of the Indian Penal Code was added subsequently.

The accused/petitioner is not named in the F.I.R. and is in custody since 23.03.2022.

The allegation against the petitioner as per F.I.R. is that on the order of co-accused, namely Harendra Rai, co-accused, namely Gautam Rai, allegedly assaulted with lathi on the back of informant and co-accused, namely Ritesh Rai, assaulted with knife on his head. Where, later on Section 302 of the Indian Penal Code was added due to death of one of the injured, namely Dharikshan Rai, father of Shiv Kumar Rai.

Learned counsel appearing on behalf of the petitioner submitted that petitioner had been falsely implicated due to local disputes and differences. It is also pointed out that petitioner is not named in the F.I.R. where, his name was



dragged in the present case on the basis of separate fardbeyan of one, Shiv Kumar Rai son of deceased alleging that petitioner alongwith other 8 co-accused persons assaulted his father with lathi, danda, bricks and stones, who died during the course of treatment. It is further submitted that no specific overt act attributed to petitioner towards physical assault. It is further pointed out that there was delay of 8 days to lodge this F.I.R. without any just explanation. It is also submitted by learned counsel that similarly situated co-accused person has already been granted bail by one of the learned Co-ordinate bench of this Court through Cr. Misc. No.954 of 2022, vide order dated 12.04.2022. While concluding the argument, it is submitted that petitioner is involved in one more case, where he is on bail and moreover investigation of this case has been completed, for which, charge-sheet has already been submitted, as such, there is no chance of tampering with the evidence.

Learned APP appearing on behalf of the State, opposes the prayer for bail.

In view of the facts and circumstances as mentioned above as allegation as regard to physical assault is very much general and omnibus against this petitioner coupled with the fact that charge-sheet has already been submitted, let above named



petitioner is directed to be released on bail in connection with Dariyapur P.S. Case No.277 of 2020 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-XII, Saran/concerned court, subject to the conditions as mentioned under Section 437(3) of the Cr.P.C.

CRIMINAL MISCELLANEOUS No. 49056 of 2022

Heard learned counsel appearing on behalf of the petitioner and learned APP appearing on behalf of the State.

The petitioner seeks bail in connection with Dariyapur P.S. Case No.277 of 2020 registered for the offence under Sections 341, 323, 307, 504. 506, and 34 of the Indian Penal Code and Section 302 of the Indian Penal Code was added subsequently.

The accused/petitioner is not named in the F.I.R. and is in custody since 22.05.2022.

The allegation against the petitioner as per F.I.R. is that on the order of co-accused, namely Harendra Rai, co-accused, namely Gautam Rai, allegedly assaulted with lathi on the back of informant and co-accused, namely Ritesh Rai, assaulted with knife on his head. Where, later on Section 302 of the Indian Penal Code was added due to death of one of the injured, namely Dharikshan Rai, father of Shiv Kumar Rai.



Learned counsel appearing on behalf of the petitioner submitted that petitioner has been falsely implicated due to local disputes and differences. It is also pointed out that petitioner is not named in the F.I.R. where, his name was surfaced in the present case on the basis of separate fardbeyan of one, Shiv Kumar Rai son of deceased, alleging that petitioner alongwith other 8 co-accused persons assaulted his father with lathi, danda, bricks and stones, who died during the course of treatment. It is further submitted that no specific overt act was attributed to petitioner towards physical assault. It is further pointed out that there is delay of 8 days to lodge this F.I.R. without any just explanation. It is further submitted that no injury report of the informant is available. It is also pointed that similarly situated co-accused person has already been granted bail by one of the learned Co-ordinate bench of this Court through Cr. Misc. No. 954 of 2022, vide order dated 12.04.2022. While concluding the argument, it is submitted that petitioner is involved in one more case, where he is on bail and moreover investigation of this case has been completed, for which, charge-sheet has already been submitted, as such, there is no chance of tampering with the evidence.

Learned APP appearing on behalf of the State,



opposes the prayer for bail.

In view of the facts and circumstances as mentioned above as allegation regard to physical assault is very much general and omnibus against petitioner coupled with the fact that charge-sheet has already been submitted, let above named petitioner is directed to be released on bail in connection with Dariyapur P.S. Case No.277 of 2020 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-XII, Saran/concerned court, subject to the conditions as mentioned under Section 437(3) of the Cr.P.C.

CRIMINAL MISCELLANEOUS No. 65496 of 2022

Heard learned counsel appearing on behalf of the petitioners and learned APP appearing on behalf of the State.

The petitioner seeks bail in connection with Dariyapur P.S. Case No.277 of 2020 registered for the offence under Sections 341, 323, 307, 504. 506, and 34 of the Indian Penal Code and Section 302 of the Indian Penal Code was added subsequently.

The accused/petitioners are named in the F.I.R. and is in custody since 18.08.2022.

The allegation against the petitioners as per F.I.R. is that on the order of co-accused, namely Harendra Rai, co-



accused, namely Gautam Rai, allegedly assaulted with lathi on the back of informant and co-accused, namely Ritesh Rai, assaulted with knife on his head. Where, later on Section 302 of the Indian Penal Code was added due to death of one of the injured, namely Dharikshan Rai, father of Shiv Kumar Rai.

Learned counsel appearing on behalf of the petitioners submitted that petitioners have been falsely implicated due to local disputes and differences. It is submitted that injury report of informant is not available. It is also submitted that there is lot of contradictions regarding allegation as raised against petitioner through F.I.R. and fardbeyan of Shiv Kumar Rai son of deceased, where both claiming to be an eye witness of the occurrence. It is further submitted that no specific overt act attributed to petitioner towards the physical assault. It is further pointed out that there is delay of 8 days to lodge this F.I.R. without any just explanation. It is also submitted by learned counsel that similarly situated co-accused person was granted bail by one of the learned Co-ordinate bench of this Court through Cr. Misc. No.954 of 2022, vide order dated 12.04.2022. While concluding the argument, it is submitted that petitioner is involved in one more case, where he is on bail and moreover investigation of this case has been completed, for which, charge-



sheet has already been submitted, as such, there is no chance of tampering with the evidence.

Learned APP appearing on behalf of the State, opposes the prayer for bail.

In view of the facts and circumstances as mentioned above and by taking contradictory note of statement of informant and son of deceased, namely Shiv Kumar, both claiming to be an eye witness of the occurrence coupled with the fact that charge-sheet has already been submitted, let above named both petitioners are directed to be released on bail in connection with Dariyapur P.S. Case No.277 of 2020 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-XII, Saran/concerned court, subject to the conditions as mentioned under Section 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

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