

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56474 of 2021

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

RAJENDRA RAM, Son of Late Laxmi Narayan Ram, Resident of Village -
Dewariya Kala, Tola - Tatvirganj, P.S.- Fesar (Phesar), District - Aurangabad

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Pawan Kumar, Advocate
For the Opposite Party/s	:	Mr. Rabindra Kumar, APP
For the Informant	:	Mr. Sanjay Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 28-02-2022 Heard Mr. Pawan Kumar, learned senior counsel for
the petitioner, Mr. Rabindra Kumar, learned APP for the State
and Mr. Sanjay Kumar, 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 counsel for the petitioner submits that the
petitioner is in custody since 06.04.2021, charge-sheet has been
submitted and has antecedent of one complaint case.

Learned counsel further submits that the informant in
the F.I.R. alleges that petitioner (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 counsel for the petitioner submits that the petitioner has been falsely implicated in the present case, the F.I.R. was instituted after four days of the occurrence by the informant, who is the son of the deceased, who was not even harmed in the occurrence, as such he could have instituted the case instantly when the occurrence had taken place, but the delay in instituting the F.I.R. clearly reflects that the petitioner came to be implicated by way of after thought. Further the injured of the case have also not alleged that it was the petitioner, who assaulted, rather they have said that on account



of free fight between two groups, pelting of stones and use of iron rod etc., had taken place on account of which injury was inflicted.

The learned APP and the learned counsel for the informant opposes the bail application and submit that the informant is the son of the deceased, the deceased was injured and he was in hospital and as such the informant was busy with the treatment of his father, but it does not appear probable that a son would falsely implicate someone knowing that he has not assaulted his father and will make him an accused.

Taking into consideration the submissions made by the learned counsel for the informant and the learned APP, the Court, for the present, is not inclined to grant bail to the petitioner.

(Satyavrat Verma, J)

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