

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60935 of 2021

Arising Out of PS. Case No.-173 Year-2020 Thana- NAYAGAON District- Saran

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Lal Babu Rai, male, aged about 62 yers, Son of Ram Prit Rai, Resident of
Village - Rasulpur, P.S.- Naya Gaon, District - Saran at Chapra.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bakshi S.R.P. Sinha, Sr. Adv.

For the Opposite Party/s : Mr. APP

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

ORAL ORDER

2 26-05-2022 Heard Mr. Bakshi S.R.P. Sinha, the learned Senior

Advocate for the petitioner and the learned APP for the

State.

The petitioner seeks bail in connection with Naya
Gaon P.S. Case No. 173 of 2020 instituted for the offences
under Sections 147, 148, 323, 324, 307 and 302 of the
Indian Penal Code.

The petitioner and about nine others are said to



have assaulted the members of the prosecution party which has left two injured persons and one dead. However, during the course of investigation, most of the witnesses had testified to the fact that the fatal blow to the deceased was given by one Ramji and not by the petitioner.

On the strength of such statements made during the course of investigation, Mr. Sinha, the learned Senior Advocate submits that the petitioner, at best, would be called a member of the mob and the allegation against him ought to be treated as absolutely omnibus and general.

With such an allegation, the petitioner is in custody since 08.12.2020 and till date, the case has not even been committed to the Court of *Sessions*.

On the aforesaid two grounds, the petitioner seeks bail.

It appears from the records that the deceased had suffered one lacerated wound on his head and an abrasion of a small dimension on his left knee.

Considering the nature of accusation against the petitioner; his not being the author of the fatal injury and his



period of custody as well as the slow progress of the case in the Court below, he 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 Judicial Magistrate-Ist Class, Saran at Chhapra in connection with Naya Gaon P.S. Case No. 173 of 2020 .

The application stands allowed.

(Ashutosh Kumar, J)

Praveen-II/-

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