

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63095 of 2021

Arising Out of PS. Case No.-173 Year-2020 Thana- RAJAPAKAR District- Vaishali

SURENDRA RAM @ SURENDRA KUMAR Son of Nandlal Ram Resident
of Village - Bhalui, P.S. - Rajapakar, District - Vaishali (Hazipur).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Binod Kumar, Advocate

For the Opposite Party/s : Mr. Khurshid Anwar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 29-03-2022 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

Let the defect(s), if any, be removed within a period
of four weeks after complete start of the physical Court.

The petitioner seeks bail in a case registered for the
offences punishable under Sections 341, 323, 325, 307 and
302/34 of the Indian Penal Code.

Learned counsel for the petitioner submits that the
petitioner is in custody since 21.01.2021, is a person with clean
antecedent and charge-sheet has been submitted.

The informant, who is wife of the deceased, alleges
that on 26.07.2020, at about 04:00 p.m., the petitioner was
flowing water towards the door of the informant on which the
informant was protested. Further, it is alleged that petitioner
with co-accused assaulted the deceased with iron rod on his



head on account of which the deceased fall down and became unconscious and when sons of the informant and nephew came to rescue the deceased then the accused persons also assaulted them with iron rod and stick due to which all the three sustained injury on their body. Further, the husband of the informant died during the course of treatment at PMCH.

Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case, though in the FIR, it is alleged that petitioner inflicted indiscriminate blow by iron rod on head of the informant's husband but the postmortem report shows that there was only one injury on the head. Learned counsel further submits that the date of occurrence is 26.07.2020 and prior to that the petitioner on 22.07.2020 had petitioned the Panchayat of the village alleging that the informant's family is trying to grab and encroach the ancestral land of the petitioner. Learned counsel submits that the date of occurrence is 26.07.2020, the FIR came to be instituted on 29.07.2020, thus, there was a delay of 3 days. Further in between 26.07.2020 to 29.07.2020 the deceased was treated at Rajapakar Hospital, thereafter, at Sadar Hospital, Hazipur and then at PMCH, Patna. Learned counsel submits that had the deceased been assaulted on account of which he was being



treated in the hospital as alleged then the government hospital would definitely have informed the police but the FIR was neither instituted at Rajapakar Hospital nor at Sadar Hospital, Hazipur nor at PMCH, Patna and there is no plausible explanation for the delay in the FIR. Learned counsel, thus, submits that though the petitioner is alleged to have assaulted indiscriminately by iron rod on the head of the deceased along with other accused persons but the nature of injury belies the allegation of indiscriminate assault by the petitioner on the head of the deceased. Learned counsel further submits that no doubt death was taken place but the issue is whether the manner in which it is being assaulted as alleged in the FIR the occurrence had taken in the manner or not as none of the government hospital informed the police with regard to the occurrence. Learned counsel further submits that petitioner is a school teacher and is posted at Upper Secondary School, Kazipur, post Rasalpura (Saran) Chapra and was not present at the relevant point of time i.e. when the occurrence had taken place in support of which Annexure-4 is annexed to the bail application.

Learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner and submits that there is direct allegation against this petitioner of indiscriminate assaulting the



deceased on his head by iron rod but is not able to meet the submissions of the learned counsel for the petitioner that if there was indiscriminate assault on his head by iron rod then how only one injury was found. Further, why the FIR was not instituted either at the Rajapakar Hospital, Sadar Hospital, Hajipur or at the PMCH, Patna.

Considering the fact that the petitioner is in custody, is a person with clean antecedent and charge-sheet has been submitted and is a school teacher and taking into consideration the submissions made by the learned counsel for the petitioner, let the petitioner above named be released on bail on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Court below where the case is pending in connection with Rajapakar P.S. Case No. 173 of 2020.

(Satyavrat Verma, J)

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