

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68437 of 2021

Arising Out of PS. Case No.-313 Year-2021 Thana- GARKHA District- Saran

1. Ranu Rawat, S/O Late Jinarabi Rawat, R/o village- Sargati, P.S.- Garkha, District- Saran at Chapra
2. Vishwakarma Rawat, S/O Ranu Rawat, R/o village- Sargati, P.S.- Garkha, District- Saran at Chapra

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Radha Mohan Singh, Advocate

For the Opposite Party/s : Mr.Atul Chandra, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA

ORAL ORDER

3 21-09-2022 Heard learned counsel for the petitioners and learned
APP for the State.

Let the defect (s), as pointed out by the office, be removed within a period of four weeks from the date of resumption of physical filing and physical removal of defect.

In the present case, the petitioners seek bail in connection with Sessions Trial No. 484 of 2021 arising out of Garkha P.S. Case No. 313 of 2021 registered for the alleged offences under Sections 302 and 34 of the Indian Penal Code.

As per prosecution case, the petitioner Vishwakarma Rawat demanded some outstanding dues from the husband of the informant and when he refused, the petitioner Vishwakarma Rawat assaulted him on his head with heavy *danda* causing fracture of the head. The petitioner Ranu Rawat joined him in assaulting the



husband of the informant. The husband of the informant was treated for his injuries in the hospital and was brought back to his house where he subsequently died.

Learned counsel for the petitioners submits that the petitioners are innocent and have been falsely implicated in this case and the allegations are totally false and fabricated. During investigation, none of the independent witnesses were examined and the investigating officer recorded the statements of the family members of the deceased. Learned counsel further submits that the victim died at his home though he was treated at Primary Health Centre thereafter at Sadar Hospital wherefrom he was brought back to his house which shows that the injury was simple, therefore, the doctor discharged him. Learned counsel further submits that post-mortem report shows only stitched wound on the scalp and fracture of left side skull, but allegation in the FIR is that the husband of the informant was assaulted by both the petitioners. The petitioners are in custody since 13.05.2021 and charge-sheet has been submitted against them.

Learned APP opposes the prayer for bail submitting that there is specific allegation against the petitioners Vishwakarma Rawat that he hit on the head of the husband of the informant with thick/heavy danda and corresponding injury has been observed as mentioned in the post-mortem report. Cause of death is stated to



be hemorrhage and shock due to above mentioned injury which was caused by heavy hard blunt object. However, learned APP concedes that the allegations against the petitioner Ranu Rawat is general and vague that he also assaulted the husband of the informant. Witnesses in the case diary have also supported the prosecution case.

Perused the records.

Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the fact that there is specific allegation against the petitioner **Vikshwakarma Rawat** that he hit on the head of the husband of the informant with heavy '*danda*' and death is stated to be result of the said head injury, I am not inclined to grant bail to the petitioner **Vikshwakarma Rawat**.

Hence, the prayer for bail of petitioner **Vikshwakarma Rawat** is rejected.

Further, considering the nature of allegation against the petitioner **Ranu Rawat**, which is quite general and vague and no corresponding injuries have been found in terms of the allegation made in the FIR, the petitioner **Ranu Rawat** is directed to be released on bail on furnishing bail bonds of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Additional District and



Sessions Judge, XIIIth, Saran at Chapra, in connection with Sessions Trial No. 484 of 2021 arising out of Garkha P.S. Case No. 313 of 2021, subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also the following conditions :

(i) The bail bond of the petitioner **Ranu Rawat** will be accepted only after framing of charge, if not already framed.

(ii) One of the bailors will be a close relative of the petitioner **Ranu Rawat**.

(iii) The petitioner **Ranu Rawat** will remain present on each and every date fixed by the court below.

(iv) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner **Ranu Rawat** will be liable to be cancelled by the court concerned.

However, the trial court is directed to expedite the trial and conclude the same preferably within a period of one year.

(Arun Kumar Jha, J)

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