

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69685 of 2021

Arising Out of PS. Case No.-139 Year-2015 Thana- BAHADURPUR District- Patna

SANJAY KUMAR @ SANTOSH KUMAR S/o- Baijnath Prasad R/o- Purbi
Nand Nagar Gola, P.S. - Malsalami, District - Patna, at present R/o-
Nuruddiganj, P.S. - Chowk, District - Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Prakritita Sharma

For the Opposite Party/s : Mr.Ajay Kumar No. 2

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 09-05-2022 Heard.

The petitioner seeks regular bail in connection with
Bahadurpur P.S. Case No. 139 of 2015, registered for the
offence punishable under sections 147, 148, 149, 323, 307, 384,
337, 379, 504, 427 and 302 of the Indian Penal Code.

The case of the prosecution in brief is that 9 named
accused persons and 15 unknown accused persons, who are
stated to be the staff of Saint Paul School, are alleged to have
engaged in stone pelting and beating the maid servant of the
informant namely Seema Devi, who had gone to the place of
occurrence for giving food to the labourers and mason etc., who
were engaged in construction work on the land of the informant.
It is also alleged that the accused persons had also assaulted the



maid servant of the informant resulting in her being injured grievously and subsequently she had died during the course of treatment.

The learned counsel for the petitioner has submitted that the petitioner is innocent, has been falsely implicated in the present case and is languishing in custody since 16.09.2021. It is submitted that though the petitioner is an accused in one other case but he is on bail in the said case and the said case was lodged on account of the petitioner having absconded from custody, after he was arrested by the police in connection with the present case. It is further submitted that the petitioner has voluntarily surrendered subsequently, which shows that he has no intention to flee away either from the investigation or the impending trial. It is also submitted that the petitioner, being merely the guard of the school in question, has been falsely implicated in the present case in as much as not one but as many as 24 people have been made accused in the present case. It is also the contention of the learned counsel for the petitioner that a general and omnibus allegation has been levelled and as far as the petitioner is concerned, there is no allegation of him having engaged in any sort of specific overt act. Lastly, it is submitted that similarly situated co-accused persons have already been



granted bail by a co-ordinate Bench of this Court vide order dated 17.10.2016 passed in Cr. Misc. No. 6476 of 2016.

Per contra, the learned APP for the State, has vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case, considering the submissions made by the parties and taking into account the materials available on record, considering the fact that a general and omnibus allegation has been levelled against the petitioner and he has not been alleged to have engaged in any sort of specific overt act apart from the fact that there appears to have been a free fight in between the parties resulting in stone pelting etc. causing injury to the deceased as also considering the fact that similarly situated co-accused persons have already been granted bail by a co-ordinate Bench of this Court, whereas the case of the petitioner is on a better footing in as much as he is stated to be merely the guard of the school in question, I deem it fit and proper to admit the petitioner to the privilege of regular bail.

Accordingly, the petitioner, above named, is directed to be released on bail on furnishing bail-bonds of Rs. 10,000/- with two sureties of the like amount each to the satisfaction of the learned court of Judicial Magistrate, 1st Class, Patna City in



connection with Bahadurpur P.S. Case No. 139 of 2015.

(Mohit Kumar Shah, J)

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