

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6861 of 2022

Arising Out of PS. Case No.-99 Year-2021 Thana- RAJAPAKAR District- Vaishali

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DHARMENDRA KUMAR @ DHARMENDRA RAY S/O RAM CHANDRA
RAI R/o village- Shekhpura, P.S.- Raja Pakar, District- Vaishali

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	: Mr.Ranjay Kr. Singh, Advocate
For the Opposite Party/s	: Mr.Bal Mukund Prasad Sinha, APP
For the informant	: Mr. Bhola Prasad, Advocate

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

3 02-01-2023 Heard the learned counsel for the petitioner and

the learned APP for the State.

The petitioner seeks regular bail in connection with Raja Pakar PS case no. 99 of 2021 instituted for the offences punishable under Sections 302 and other allied sections of the Indian Penal Code.

The case of the prosecution in brief, according to the informant namely Ajeet Kr. Rai, is that on 07.03.2021 at about 6 in the evening, road was being constructed in front of the door of the house of the informant, whereupon his neighbour namely Ram Chandra Rai, his wife and three sons had arrived there leading to some quarrel having taken place with regard to place of construction of the road. It is also alleged that



thereafter, the said co-accused person namely Ram Chandra Rai had assaulted the mother of the informant by Kudal on her head and had then hit her on her left hand, whereafter the petitioner is stated to have assaulted the mother of the informant by kudal on her left rib bones. The other accused persons are also alleged to have assaulted the informant and his family members. The mother of the informant is stated to have subsequently died on 22.03.2021.

The learned counsel for the petitioner submits that the petitioner is innocent, has been falsely implicated in the present case, is having a clean antecedent and is languishing in custody since 10.08.2021. It is further submitted that the entire prosecution story has been fabricated, inasmuch as though the incident had taken place on 07.03.2021, however, the fardbeyan was recorded belatedly only on 23.03.2021 and the F.I.R. has been lodged on 01.04.2021. It is also submitted that though the police had given a clean chit to the petitioner and filed a final form, however, charge sheet had been filed only against the co-accused person namely Ram Chandra Rai, nonetheless, the learned court below has differed and taken cognizance *qua* the petitioner as well. Lastly, it is submitted that the post mortem report would show that the cause of death is head injury,



however, the petitioner is not alleged to have inflicted any head injury on the deceased mother of the informant.

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 learned counsel for the parties and taking into account the materials available on record as also considering the materials available in the case diary, this Court finds that firstly, the police had not found the petitioner to be having any complicity in the matter, secondly, the petitioner can at best be alleged to have inflicted kudal blow on the left rib bones of the mother of the informant, however, the head injury, which is the cause of death of the mother of the informant, as per the post mortem report, has been alleged to have been inflicted by the co-accused person namely Ram Chandra Rai, thirdly there is considerable delay in lodging of the FIR, inasmuch as the incident had taken place on 07.03.2021, however, the FIR has been registered on 01.04.2021 and lastly, the petitioner is having a clean antecedent, who is languishing in custody since 10.08.2021, hence I find that the petitioner has made out a case for grant of bail to him.

Accordingly, the abovenamed petitioner is directed to



be released on regular bail on furnishing bail bond of Rs. 10,000/- (Rs. Ten thousand) with two sureties of the like amount each to the satisfaction of learned J.M. 1st class, Vaishali at Hazipur in connection with Raja Pakar PS case no. 99 of 2021.

(Mohit Kumar Shah, J)

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