

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11126 of 2022**

Arising Out of PS. Case No.-142 Year-2021 Thana- DALSINGHSARAI District- Samastipur

SANJEET KUMAR @ GANESH KUMAR SON OF RAMBALAK RAY @
BHOLI RAI R/O VILLAGE- DHEPURA, P.S.- DALSINGSARAI,
DISTRICT- SAMASTIPUR

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pramod Kumar Singh, Advocate

For the Opposite Party/s : Mr. Umesh Lal Verma, A.P.P.

**CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER**

4 06-01-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State through the virtual Court proceedings.

Let the defect(s), if any, be removed within a period
of four weeks.

The petitioner seeks bail in a case registered for the
offence punishable under Section 302 of the Indian Penal Code.

Learned counsel for the petitioner submits that
petitioner is a person with clean antecedent and is in custody
since 21.12.2021.

The informant alleges that his brother along with the
petitioner had gone to a goldsmith by car for keeping gold by
way of security. Further, the petitioner came and informed his
mother that his brother has drunk toddy in large quantity and is
sleeping in the car and thereafter left. It is further alleged that



when in the afternoon his younger brother went to call him for lunch and opened the car he found the dead body of his brother inside the car.

Learned counsel for the petitioner submits that petitioner has been falsely implicated in the present case. It is further submitted that from perusal of the allegation itself it would manifest that both petitioner and the deceased were friends and, as such, had gone to the goldsmith for keeping the gold. It is next submitted that had the petitioner committed the occurrence then definitely he would not have come back and would have informed the mother of the informant that the deceased is sleeping inside the car after drinking toddy. It is also submitted that the postmortem of the dead body was also done and it was found that the death was due to traumatic brain injury (blunt type) with second degree burn. Further, the postmortem report also records fracture of frontal bone of skull with laceration of cerebrum of dimension 5 cm. X 4 cm. with irregular in margin, rupture of anterior cerebral artery, middle cerebral artery, rupture of leptomeninges with laceration of tentorium cerebri and fracture of base of skull and thus it has been recorded that the death was due to traumatic brain injury with second degree burn. Learned counsel further submits that



no doubt from perusal of the postmortem report, it appears that death was on account of assault but then the facts of the case also to be appreciated only for the purpose of bail that if the petitioner would have committed the occurrence then whether he would have come back to the house of the deceased and would have informed his mother that the deceased drunk toddy and is sleeping in the car and thus would have created evidence against himself. It is next submitted that purpose of arrest is not to punish but to ensure that investigation is not hampered and charge-sheet has already been submitted in the case and the petitioner will cooperate in the trial. It is also submitted that charges have been framed and the petitioner will not abscond rather will cooperate in the investigation.

Learned A.P.P. for the State vehemently opposes the prayer for regular bail of the petitioner.

Considering the submission made by the learned counsel for the petitioner, the petitioner, above named, is directed to be released on bail on furnishing bail bond of Rs.20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Court below where the case is pending in connection with Dalsingsarai P.S. Case No. 142 of 2021, subject to the condition that one of the



bailors of the petitioner shall be his father Rambalak Ray @
Bholi Rai.

Further, in the event, if the learned trial court comes
to a conclusion that the petitioner, after his release on bail, is
trying to delay the trial of the case in any manner, the learned
trial court shall be at liberty to cancel the bail bonds of the
petitioner after recording reasons and shall take all coercive
steps to ensure that petitioner is behind bar.

(Satyavrat Verma, J)

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