

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32169 of 2023

Arising Out of PS. Case No.-24 Year-2023 Thana- PURNEA SADAR District- Purnia

RAHUL KUMAR @ RAHUL KUMAR YADAV son of Sudhir Yadav @
SUDHIR KUMAR Village- Belauri Ps- Sadar Muffasil Dist- Purnea

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ram Prawesh Kumar, Advocate

For the Opposite Party/s : Mr. Pramod Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

4 23-08-2023

Heard the parties.

The petitioner is in custody since 11.01.2023 in connection with Sadar P.S. Case No. 24 of 2023 for the offence punishable under Sections 341, 342, 307, 504, 506 of the IPC, lodged on 08.01.2023 by the informant, Ajay Kumar.

As per the prosecution story, the allegation is that on 24.12.2022, the informant's son, Aman Kumar who was working in I.S. Pollemer was called by Rahul Yadav who is his neighbour, and thereafter, it is alleged that along with other accused persons, he was brutally assaulted with further allegation against Rahul Yadav of trying to press his neck by a rope. Considering that he is dead, the informant was called and asked to take the body. The informant rushed to the place and found the son in on injured condition on the road around 150



meters away from the accused's home. Accordingly, the FIR.

It is the case of the petitioner that the alleged allegation is of 24.12.2022 whereas the FIR was lodged 15 days later on 08.01.2023. It is his further submission that from the FIR, nowhere it has been stated the reason for the said inordinate delay. The submission is that it can be construed that the informant's son suffered injury somewhere else and in a different manner and to implicate the petitioner, the theory has been put forward.

Further the submission is that without accepting the allegation and/or the outcome of the present petition in view of the fact that the informant side has alleged injuries is his neighbour, the petitioner (s) on its own would like to contribute towards the medical assistance of Rs. 25,000/- through Demand Draft issued by the local State Bank of India branch to be submitted before the 'NAZARAT' of concerned Court to be handed over to the informant after checking the credentials.

Learned APP for the State has drawn the attention of this Court to the case diary relating to the injury report to show that the petitioner has suffered lacerated wound in the forehead as also multiple injury which were found to be grievous in nature.



Admittedly the son of the informant has suffered injury on 24.11.2022; the question is whether it is in the manner as per the allegation has been made in the FIR and/or, he suffered injuries in different circumstance.

In view of the fact that there is inordinate delay of 15 days in lodging the FIR, the said delay has not been explained, the petitioner is in custody since 11.01.2023, as stated in paragraph-14 of the petition) and he do not have criminal antecedent, this Court is inclined to extend him the privilege of bail with conditions subject to payment of Rs. 25,000/-

Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned CJM, Purnea, in connection with Sadar P.S. Case No. 24 of 2023 subject to the following conditions:

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial Court itself;



(iii) the petitioner shall appear before the concerned police station every fortnight for next six months to mark his attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

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