

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42790 of 2022

Arising Out of PS. Case No.-257 Year-2021 Thana- SANGRAMPUR District- Munger

DILIP RAJAK Son of Late Karu Rajak Resident of village - Kahua, P.S.-
Sangrampur, District - Munger.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Awnish Kumar, Advocate

For the Opposite Party/s : Mr.Md. Mushtaque Alam, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

3 12-01-2023 Heard the learned counsel for the petitioner
and the learned APP for the State.

The petitioner seeks regular bail in connection
with Sangrampur PS case no. 257 of 2021 instituted for the
offences punishable under Sections 447, 448, 302, 379/34 of
the Indian Penal Code.

The case of the prosecution in brief is that the
informant namely Hareram Chaudhary was sprinkling water
in his field on 06.10.2021 at about 12 in the afternoon, when
the co-villager namely Dilip Rajak i.e. the petitioner herein
started creating trouble, hence, the informant fled away and
went to his home. Nonetheless, the petitioner along with other
co-accused persons, armed with various weapons, had



forcibly entered into the house of the informant and started assaulting the mother of the informant. It is further alleged that the accused persons had also assaulted the informant and as far as the petitioner is concerned, he had assaulted the mother of the informant on the back of her head, resulting in her becoming unconscious, whereafter, she had died subsequently.

The learned counsel for the petitioner submits that the petitioner is innocent, has been falsely implicated in the present case, he is having a clean antecedent and is languishing in custody since 07.04.2022. The learned counsel for the petitioner has further submitted that the inquest report and post mortem report would show that the mother of the informant had died on account of her falling down on the ground and hitting a brick.

Per contra, the learned APP for the State has vehemently opposed the prayer for bail and has submitted, by referring to the case diary, the inquest report and the post mortem report, that the contention of the petitioner is not only incorrect but also falacious, inasmuch as the inquest report/post mortem report clearly shows that the mother of the informant had died on account of being hit on the back of the



head by brick and on account of shock and haemorrhage as also injuries inflicted on vital organ i.e. brain, thus, the complicity of the petitioner is writ large from the records.

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 there are ample materials in the case diary to *prima facie* show the complicity of the petitioner in the alleged crime and it is apparent that the petitioner had assaulted the mother of the informant on the back of her head, resulting in her death, which also stands corroborated from the inquest report and post-mortem report, hence, I am not inclined to grant bail to the petitioner, thus, the present petition stands dismissed.

(Mohit Kumar Shah, J)

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