

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53319 of 2022

Arising Out of PS. Case No.-113 Year-2022 Thana- VAISHALI District- Vaishali

Raushan Kumar Son of Raj Kishore Singh @ Sanjeev Singh R/o Village-
Jarang Rampur, P.S.- Vaishali (BELSAR O.P.) In The District of Vaishali.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s	:	Mr. Krishna Prasad Singh, Sr. Adv. Mr. Ranjeet Kumar, Adv.
For the Opposite Party/s	:	Mr. Gauri Shankar Gupta, APP
For the Informant	:	Mr. Dharendra Kumar, Adv.

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 15-02-2023 Learned counsel for the petitioner is permitted to remove the defect(s), as pointed out by the office, within a period of four weeks' from today.

Heard Mr. Krishna Prasad Singh, learned senior counsel appearing on behalf of the petitioner duly assisted by Mr. Ranjeet Kumar, learned counsel, Mr. Dharendra Kumar, learned counsel for the informant and Mr. Gauri Shankar Gupta, learned Additional Public Prosecutor for the State.

The petitioner seeks regular bail, who is in custody in connection with Vaishali (Belsar O.P.) P.S. Case No. 113 of 2022 registered for the offences punishable under Sections 341, 323, 307, 302 and 342 read with 34 of the Indian Penal Code.



As per the prosecution case, the informant alleged that on 08.04.2022 at about 10:00 PM, while his son was watching Mahayagya at village Manora, in the meantime, petitioner along with other accused persons came on a white colour Jeepsy car and the petitioner, who was driving the said car by wrapping *gamacha* in the neck of the son of the informant, by driving the said vehicle and the other accused persons were sitting in the car also assaulted him with knife on his head and, later on thrown him from the car.

Learned senior counsel appearing on behalf of the petitioner submits that *prima facie* the allegation levelled in the FIR appears to be improbable for the simple reason that while driving a vehicle, a person cannot simultaneously wrapped the neck of a person and dragged him through his vehicle. He further submits that the FIR suggests that the deceased was assaulted by means of knife, but the postmortem report belies the prosecution case, as no incised injury has been found. He next submits that the informant is not an eyewitness to the alleged occurrence and the injured, namely, Arun Kumar whose statement also recorded during the course of investigation, also submits that the deceased was assaulted by means of knife while the petitioner was dragging the deceased by wrapping the



gamacha in his neck. He lastly submits that the petitioner is a man of fair antecedent and is in custody since 01.06.2022.

On the other hand, learned counsel for the informant vehemently opposes the bail application and submits that the postmortem report clearly indicates that there is swelling in the neck of the deceased, which corroborates the prosecution case that the deceased was dragged by wrapping a *gamacha* in his neck and it is a case of brutal murder, where innocent person on account of some trifling matter, has been done to death in a public view in order to terrorize.

Learned counsel for the State adopts the submission made by the learned counsel appearing on behalf of the informant.

Regard being had to the submissions made on behalf of the parties and considering the specific nature of accusation and the postmortem report, which also corroborates the prosecution case to the extent whereby it is alleged that the deceased was dragged by the petitioner from his Jeepsy car by wrapping *gamacha* in his neck, this Court is not persuaded to enlarge the petitioner on bail, for the present. Accordingly, the prayer for bail is rejected.

It is expected that learned court below will take all



endeavours to expedite the trial and conclude the same as early
as possible.

(Harish Kumar, J)

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