

Arising Out of PS. Case No.-242 Year-2022 Thana- BARUN District- Aurangabad

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

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

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 16-01-2023 Heard the learned counsel for the petitioner
and the learned APP for the State.

The petitioner seeks regular bail in connection with Barun PS case no. 242 of 2022 instituted for the offences punishable under Sections 302 and other allied sections of the Indian Penal Code.

The accused persons including the petitioner herein are stated to have attacked the brother of the informant while he was going along with the informant and one another person to Bagha Railway Station to board a train, whereupon the father of the informant had also arrived there and then the accused persons namely Jai Pratap Kumar and Tej Pratap Yadav had also assaulted the father of the informant with iron



rod, resulting in him sustaining head injuries, which in turn had led to his death. The other accused persons are also stated to have assaulted the members of the prosecution party.

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 he is languishing in custody since 20.08.2022. The learned counsel for the petitioner has further submitted that as far as the petitioner is concerned, a general and omnibus allegation has been levelled, however, specific allegation has been levelled against the co-accused persons namely Jai Pratap Kumar and Tej Pratap Yadav of assaulting the father of the informant with iron rod, as a result whereof, he had sustained grievous injuries, whereafter he had succumbed to his injuries.

Per contra, the learned APP for the State as also the learned counsel for the informant have vehemently opposed the prayer for bail and have submitted that in the alleged incident, five persons have been injured and one person has died, hence, in case, this Court is inclined to grant bail to the petitioner, he be granted bail only after framing of charge by the learned trial court.

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 fact that general and omnibus allegation has been levelled against the petitioner and he has not been specifically alleged to have assaulted the deceased father of the informant, nonetheless, considering the fact that 05 persons have been injured and one person has died, I deem it fit and proper to direct for release of the petitioner on bail immediately upon framing of charge by the learned trial court, subject to such conditions, as may be deemed fit and appropriate to be imposed by the learned court of Chief Judicial Magistrate, Aurangabad in connection with Barun PS case no. 242 of 2022.

The present petition stands disposed off with the aforesaid observations and directions.

(Mohit Kumar Shah, J)

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