

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14505 of 2024

Arising Out of PS. Case No.-19 Year-2023 Thana- MEHUSH District- Sheikhpura

Ravi Sao @ Ravi Kumar son of Paras Sao, R/o Village + PO- Mafo, PS-
Mehus, Dist- Sheikhpura.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Ramakant Sharma, Sr. Advocate
For the Opposite Party : Mr. Vinod Shanker Modi, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

5 04-09-2024 Heard Mr. Ramakant Sharma, the learned senior
counsel for the petitioner, the learned counsel appearing on
behalf of the informant and Mr. Vinod Shanker Modi, the
learned Additional Public Prosecutor for the State.

2. Petitioner seeks regular bail who is in custody since
06.12.2023, in connection with Mehus P.S. Case No. 19 of
2023, FIR dated 10.06.2023, registered for the offences
punishable under Sections 302, 147, 149, 341, 323, 325, 307,
504 and 506 of the Indian Penal Code.

3. According to the prosecution case, the petitioner
along with other co-accused persons has assaulted the father of
the informant by means of iron-rod, *khanti* and spade. It is
further alleged that due to the assault made by the petitioner,
eyes of informant's father came out and the assault made by one



Navin Sao led to puncture injury on his head. It is lastly alleged that informant's father later succumbed to his injuries.

4. Learned senior counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case. He further submits that due to some petty dispute the present occurrence has taken place, there is case and counter case between the parties and both the parties are agnates. He further submits that from bare perusal of the FIR, it appears that FIR has been instituted after *post-mortem* was conducted by the prosecution. He further submits that the co-accused persons namely, Ajay Sao & Ors. have been granted the privilege of anticipatory bail by this Court vide order dated 24.01.2024 passed in Cr. Misc. No. 83774 of 2023. He lastly submits that the police after investigation has submitted charge sheet against the petitioner and the petitioner is in custody since 06.12.2023.

5. Vide order dated 20.07.2024, a report was called for with regard to the stage of the trial and report dated 05.08.2024 of the learned trial Court suggests that case is pending at the stage of framing of charge.

6. The learned counsel for the informant as well as the learned Additional Public Prosecutor for the State on the other



hand has vehemently opposed the prayer for bail of the petitioner and submits that from bare perusal of the FIR, it appears that there is specific allegation against the petitioner that he has assaulted informant's father by means of iron-rod (*khanti*), however, he fairly submits that FIR has been instituted after prosecution has conducted the *post-mortem*.

7. Considering the facts and circumstances of the case and mainly the facts that petitioner has clean antecedent, both the parties are agnates and there is case and counter-case between them, FIR has been instituted after the conduction of *post-mortem* and other similarly situated co-accused persons have been granted the privilege of anticipatory bail, let the petitioner, above-named, be released on bail, **after framing of charge, if not framed as yet**, on furnishing bail bond of Rs. 10,000/- (Rupees ten Thousand only) with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate, 1st Class, Sheikhpura, in connection with **Mehus P.S. Case No. 19 of 2023**, subject to the following conditions:

(i). Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the learned trial Court and shall remain physically present as directed by the learned trial Court and on his absence on two



consecutive dates without sufficient reason, his bail bond shall be cancelled by the learned trial Court.

(ii). If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(iii). And further condition that the learned trial Court shall verify the criminal antecedent of the petitioner and in case, at any stage, it is found that the petitioner has concealed his criminal antecedent, the learned trial Court shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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