

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16201 of 2024

Arising Out of PS. Case No.-221 Year-2023 Thana- MOKAMAH District- Patna

1. Sanni Kumar S/O Rajendra Sharma @ Kallu Residents of Village- Mokama Sahbegpur, Police Station- Mokama, District- Patna
2. Rajendra Sharma @ Kallu S/O Baleshwar Mistri Residents of Village- Mokama Sahbegpur, Police Station- Mokama, District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Chandrasen Prasad Singh, Adv.
For the Opposite Party/s	:	Mr.Ram Priya Sharan Singh, APP
For the Informant	:	Mr. Sanjeev Kumar, Adv

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL ORDER

3 22-04-2024 Heard learned counsel for the petitioners and learned APP for the State as also counsel for the Informant. Perused the case diary.

2. The petitioners seek bail in connection with Mokama P.S. Case No. 221 of 2023 instituted for the offences under Sections 302/34 of the Indian Penal Code.

3. The allegation against the accused persons including the petitioners is of assaulting the father of the Informant by means of iron rod due to which he became unconscious and fell down on the earth. Thereafter, the father of the Informant was taken to Najrat Hospital,



Mokama where the Doctors declared him dead. It is further alleged that the Informant has also sustained iron rod blow on his head causing bleeding. The Uncle of the Informant was also assaulted by the accused persons.

4. Learned counsel for the petitioner submits that the petitioners are innocent and have committed no offence as alleged against him and have falsely been implicated in the present case due to village politics. There is no direct or specific allegation of assault on any of the petitioners rather the same is general and omnibus in nature. The F.I.R. has been lodged after delay of 21 hours of the occurrence which falsifies the prosecution case. He further submits that the inquest report was prepared on 21.06.2023 at 14.05 PM where no external injury was found on the person of the deceased but, the F.I.R. was not lodged on the same day as no such occurrence took place as alleged rather the F.I.R. was lodged next day i.e. on 22.06.2023. There is no independent witness in this case although the occurrence took place in the day time. The petitioner no.1 has no criminal antecedent whereas petitioner no.2 has one criminal



antecedent which has turned into compromise in Lok Adalat on 13.08.2022 as has been stated in paragraph no.3 of the present bail application. The petitioner no.1 is languishing in judicial custody since 19.12.2023 whereas petitioner no.2 is in jail since 12.12.2023 and the charge-sheet has been submitted in this case.

5. On the other hand, the learned A.P.P. for the State and the Informant have vehemently opposed the prayer for grant of bail to the petitioners, stating that the petitioners are named in the F.I.R. and there is direct allegation of assault against the petitioners. Learned counsel for the State submits that in Para-09, there is a statement of injured Brajesh Kumar and in Para-10, there is a statement of Divyanshu Kumar and both have supported the prosecution case. From perusal of the case diary, it appears that several other witnesses have also supported the case of the prosecution. The allegation made against the petitioners is serious in nature and, thus, the petitioners do not deserve bail.

6. Having heard rival contentions of both the



parties and considering the entire facts and circumstances of the case as also considering the period of custody of the petitioners coupled with the fact that the petitioners having no direct allegation of assault, let the petitioners, abovenamed, be released on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Mokama P.S. Case No. 221 of 2023.

(Rudra Prakash Mishra, J)

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