

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36131 of 2024

Arising Out of PS. Case No.-40 Year-2021 Thana- CHHABILAPUR District- Nalanda

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Ranjeet Kumar @ Ranjeet Prasad @ Guddu Mukhiya Son of Late Badri Prasad Resident of Village - Chandaurya, Panchayat Patharaura, P.O.- Meyar, P.S.- Chhabilapur, District - Nalanda, Pin Code - 803116

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Kaushal Kumar, Adv.
For the State : Mr. Abhay Kumar, APP
For the Informant : Mr. Arjun Prasad No. 1, Adv.

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 17-05-2024 Heard Mr. Kaushal Kumar, learned Advocate for the petitioner and learned Additional Public Prosecutor for the State. The informant is represented by Mr. Arjun Prasad No. 1, learned counsel.

2. This is an application for grant of bail to the petitioner, who is in custody in connection with Chhabilapur P.S. Case No. 40 of of 2021, registered for the offences punishable under Sections 341/323/338/504/302/34 of the



Indian Penal Code and 27 of the Arms Act.,

3. Allegedly, while the son of the informant and his son-in-law going to Silao to board train after participating in *shradh* ceremony, all the FIR named accused persons caught his son. It is further alleged that on the exhortation made by the petitioner, all the accused persons tied the son of the informant and thereupon co-accused Chhote Yadav, Sharwan Yadav and Sajo Yadav assaulted him by means of *danda* and bricks. On receipt of the information, the informant came to the spot and took his son to Sadar Hospital, however, he died in the way.

4. Learned Advocate for the petitioner contended that from the FIR it is evident that the informant is not an eye witness to the alleged occurrence as he rushed to the spot after receipt of the information. Even as per the prosecution case, the only allegation of exhortation is levelled against the petitioner. However, the aforesaid allegation has been made on account of political rivalry. He next submitted that though the occurrence is said to have taken place on 14.04.2021 at about 12:00 O' clock but the FIR has been instituted on the next day on 15.04.2021 by giving a written report. He further drew the attention of this Court to the deposition of the informant's son-in-law, Rajesh Kumar, who has not supported the prosecution



case. It is further contended that the other co-accused persons, who are allegedly involved in assaulting the deceased, have been allowed regular bail by this Court in Cr. Misc. No. 54436 of 2014 *vide* order dated 18.05.2022; and bail by the co-ordinate Bench of this Court. It is also contended that the trial has already been commenced and out of five chargesheet witnesses, three of the witnesses have already been examined, out of which two have declared hostile.

5. On the other hand, learned APP for the State as well as the learned counsel for the informant oppose the bail application and submit that the petitioner is carrying six criminal antecedent over his head. They further drew the attention of this Court to the impugned order whereby his application has been rejected. It has been noted by the learned trial court that the release of the petitioner would may hamper the trial.

6. Regard being had to the submissions made on behalf of the parties and considering the fact that there is no cogent material showing that the petitioner is involved in threatening the witnesses or tampering of the evidence. That apart, there is only allegation of exhortation and even as per the prosecution there is no active participation of the petitioner in



causing assault to the deceased. Moreover, the son-in-law of the informant, who was said to be an eye witness to the alleged occurrence has declared hostile and the petitioner is in custody since 16.08.2023, let the petitioner, abovenamed, be released on bail on furnishing bail bonds of Rs. 25,000/- (Rupees twenty five thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M.-II, Biharsharif, Nalanda in connection with Chhabilapur P.S. Case No. 40 of of 2021, subject to the conditions:

(i) that one of the bailors shall be the own/close family members of the petitioner;

(ii) that the petitioner will not leave the native district without prior permission of the trial court;

(iii) that the petitioner will cooperate in conclusion of the trial;

(iv) that the petitioner will remain present on each and every date of trial till disposal of the case;

(v) that the petitioner will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial;

(vi) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be



cancelled and

(vii) The court below 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 court below shall take immediate step for cancelling the bail bond of the petitioner. However, the acceptance of bail bonds, in terms of the above-mentioned order, shall not be delayed for this purpose or in the name of verification.

(Harish Kumar, J)

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