

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35360 of 2024

Arising Out of PS. Case No.-61 Year-2021 Thana- BIHTA District- Patna

Rajesh Kumar Son of Mahesh Singh R/O Village- Babhan Lai, P.S.- Bihta,
Dist.- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Dr. (Mr.) Anjani Pd. Singh, Advocate
For the Opposite Party/s :	Mr. Tarkeshwar Nath Thakur, A.P.P.
	Mr. Sanjiv Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 2 02-08-2024 1. Heard learned counsel for the petitioner, learned A.P.P. for the State and learned counsel appearing on behalf of the informant.
2. The petitioner seeks bail in a case registered for the offences punishable under Sections 341, 323, 324, 379, 504, 307, 506/34 and 302 of the Indian Penal Code.
3. Learned counsel for the petitioner submits that petitioner is a person with clean antecedent and is a student.
4. The informant alleges that accused persons including the petitioner came and assaulted him by lathi, danda and rod causing injury on his head and when his son came to save him he was also assaulted.
5. Learned counsel for the petitioner submits that from perusal of the allegation as alleged in the FIR, it would manifest that the FIR came to be instituted after three days of the occurrence and



the injured died during the course of treatment. It is further submitted that the informant was an old man and he died his natural death on account of cardiac failure and the assault was not the proximate cause of his death.

6. Learned A.P.P. for the State and learned counsel appearing on behalf on behalf of the informant opposed the prayer for regular bail of the petitioner. Learned counsel for the informant submits that no doubt, the informant in the FIR has not alleged specifically that who assaulted him but then during the course of investigation the statement of his daughter-in-law was recorded and she has specifically stated about this petitioner of assaulting the informant on his head. It is further submitted that what is not disputed rather stands admitted is that the informant died within three days of the occurrence and thus the assault was the proximate cause of his death as in the postmortem report it has been recorded that the death was caused on account of assault by hard blunt substance causing injury on his head leading to cardiac failure.

7. Learned counsel for the petitioner rebuts the said submission of the learned counsel appearing on behalf of the informant and submits that the statement made before the police is not admissible in evidence and is to be tested in a duly constituted trial but then submits that the FIR does not specifically allege that this petitioner assaulted. It is further submitted that petitioner is a student as would manifest from Annexure-4 series to the bail



application and is in custody since 05.03.2024. It is next submitted that if petitioner is not granted the privilege of bail in that event chances are bright that petitioner may come in contact with hardened criminal and his entire future prospect would get jeopardized, more so when the allegation of assault is general and omnibus in nature in the FIR.

8. Considering the submissions made by the learned counsel for the petitioner, the petitioner, above named, is directed to be released on bail on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Court below where the case is pending in connection with Bihta P.S. Case No. 61 of 2021.

9. However, if the learned trial court comes to a conclusion that petitioner, after his release on bail, is trying to delay the trial of the case, in any manner, the learned trial court shall be at liberty to cancel the bail bonds of the petitioner after recording reasons.

(Satyavrat Verma, J)

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