

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61734 of 2024

Arising Out of PS. Case No.-2 Year-2024 Thana- KATEYA District- Gopalganj

RAMNATH SAH Son of Late Moti Sah R/o Village - Bhagwanpur, P.S.-
Kateya, District - Gopalganj.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Kumar Thakur

Ms. Vaishnavi Singh

For the Opposite Party/s : Mr. Anand Kishore Choudhary

For the Informant : Ms. Swarnima

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 2 11-12-2024 1. Heard learned counsel for the petitioner, learned APP for the State and the learned counsel appearing on behalf of the informant.
2. The petitioner seeks bail in a case registered for the offences punishable under Sections 147, 148, 149, 341, 323, 324, 307, 302, 504 and 506 of the IPC.
3. The learned counsel for the petitioner submits that petitioner has antecedent of one case. It is next submitted that from perusal of the allegation as alleged in the FIR, it would manifest that the allegation of assault is general and omnibus in nature and the informant alleges that his father was brutally assaulted by 23 named persons including the petitioner, but then allegation of assault is not specific, further the informant also alleges that his family members were also assaulted.
4. The learned counsel next submits that from perusal of the FIR, it would manifest that the injured were taken to PHC



from where they were discharged, but the father of the informant was referred to Sadar Hospital, Gopalganj from where after treatment he was discharged, but then alleges that after his father was discharged, his condition deteriorated and while he was being taken to Gorakhpur for better treatment when he died on the way.

5. The learned counsel for the petitioner further submits that petitioner is a senior citizen, aged about 62 years and the allegation of assault is not specific. It is also submitted that no doubt the father of the petitioner died, but then from perusal of the postmortem report as is being supplied by the learned counsel appearing on behalf of the informant, it would manifest that the nature of injury as recorded in the postmortem report does not corroborate the allegation of assault by 23 persons, as the postmortem report records lacerated wound dark brown in colour of size 2 cm x.5 cm into skin deep over lateral aspect of left arm (2-3 days old), further it is submitted that even the cause of death has been kept reserved, which amply demonstrates that the death was not caused on account of external injury caused on account of assault. It is next submitted that petitioner is in custody since 04.05.2024, charge sheet has been submitted as such no useful purpose would be served by keeping the petitioner in jail.

6. The learned APP for the State and the learned counsel appearing on behalf of the informant oppose the regular



bail application, but then are not in a position to rebut the submission of the learned counsel appearing on behalf of the petitioner that the postmortem report does not corroborate the nature of assault as alleged in the FIR and the opinion with regard to the death of the deceased has been kept reserved.

7. 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 in the sum of Rs.10,000 /- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Gopalganj in connection with Kateya P.S. Case No. 02 of 2024.

8. It is made clear that if the learned Trial Court comes to a conclusion that petitioner after his release is trying to delay the trial in any manner in that event the learned Trial Court shall be at liberty to cancel the bail bonds of the petitioner forthwith after recording reasons.

(Satyavrat Verma, J)

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