

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.81829 of 2024

Arising Out of PS. Case No.-208 Year-2024 Thana- RUPASPUR District- Patna

Tej Pratap @ Tej Pratap Yadav @ Dollar Son of Sanjay Rai Resident of
Village- Rupaspur, P.S.- Rupaspur, Distt.- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Yogesh Charndra Verma, Sr. Adv. Mr. Manohar Prasad Singh, Adv.
For the Opposite Party/s	:	Mr. Sanjay Kumar Tiwary, APP.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 20-12-2024 Heard Mr. Yogesh Chandra Verma, learned senior
counsel for the petitioner, learned counsel for the informant and
learned A.P.P. for the State.

2. The petitioner seeks regular bail in connection with
Rupaspur P.S. Case No. 208 of 2024, dated 18.03.2024
registered for the offences punishable under Sections 341, 323,
448, 325, 307, 379, 504, 506/34 of the Indian Penal Code.

3. Learned senior counsel for the petitioner submits that
petitioner has antecedent of three cases, but then he was given
the privilege of Section 41(A) of the Cr.P.C. in all the three
cases which amply demonstrates that the offences for the
aforesaid three FIR were instituted carried punishment of seven



years .

4. Learned senior counsel submits that in the instant FIR though the petitioner is alleged to have assaulted the injured by knife but then the injury was caused by hard and blunt substance which denies the allegation of assault by knife. It is also submitted that petitioner is not alleged to be the assailant of the deceased.

5. Learned senior counsel further submits that it appears that one of the antecedent of the petitioner is u/s 307 of the I.P.C. but then the notice under Section 41(A) of the Cr.P.C. was also given to the petitioner in the said case also. It is next submitted that petitioner is aged about 28 years and has passed his Masters (M.A.) in Political Science from A.N. College in First Class in the year 2019 and has also cleared the Secondary Teacher Eligibility Test, 2024 as would manifest from Annexure-4 series. It is further submitted that petitioner and the informant are agnates and on account of dispute relating to parking, the occurrence is alleged to have taken place.

6. Learned counsel appearing on behalf of the informant submits that no doubt the dispute initially arose on account of parking but then the same was settled. Subsequently, the accused persons called the informant on the pretext of settling the issue,



accordingly the informant along with his son and brother went to the place of occurrence when the accused persons including the petitioner assaulted brutally on account of which the brother of the informant died and the son of the informant received grievous injury for which he was treated in the hospital for two months. It is further submitted that it is not in dispute that petitioner and the informant are related but the dispute then did not occur on account of any dispute relating to property.

7. Learned counsel for the informant thus submits that it absolutely does not stand that as to why the petitioner and his side used such force which caused death of one person and the son of the informant grievously injured requiring treatment for two months. It is further submitted that in the FIR it is alleged that the petitioner assaulted by knife causing injury on nose but then the injury report records that the injury was caused by hard and blunt substance. It is thus submitted that it may be a possibility that the informant was not able to gaze properly that who assaulted whom by what, but then the fact remains that one person died and the son of the informant received grievous injury.

8. Considering the facts and circumstances of the case as well as nature of the offence, the Court for the present is not



inclined to release the petitioner on bail.

9. Accordingly, the prayer for bail is hereby rejected.

(Satyavrat Verma, J)

annpurna/-

U		T	
---	--	---	--

