

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19018 of 2025

Arising Out of PS. Case No.-1040 Year-2022 Thana- BHAGALPUR KOTWALI District-
Bhagalpur

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Babul Hari @ Puchhan Hari @ Fucchan Hari @ Bucchan Hari @ Buchan
Hari S/O Guddu Hari R/o Mohalla- Hari Tola, Jogsar, P.S.- Kotwali, Jogsar,
Distt.- Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. S.M. Ashraf, Sr. Adv.
Mr. Rana Hason, Adv.

For the Opposite Party/s : Mr. Mohammad Sufyan, Adv.

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CORAM: HONOURABLE MR. JUSTICE SOURENDRA PANDEY
ORAL ORDER

4 08-07-2025 Heard learned Counsel for the petitioner and learned
A.P.P for the State.

2. The petitioner seeks regular bail in a case registered
for the offences punishable under Sections 341, 323, 307,
506/34 of the Indian Penal Code.

3. As per the prosecution case, the informant has
alleged that the co-accused Kundan Hari assaulted the son of the
informant from the *butt* of the pistol on his head and thereafter
on his cheek and rest of the accused persons including the
petitioner are said to have assaulted with hockey stick, upon
which, he fell unconscious and was taken to hospital for
treatment and subsequently the son of the informant is said to



have died during the course of treatment.

4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case and even going by the plain reading of the FIR, it is alleged that the petitioner had subsequently assaulted the son of the informant with hockey stick along with other co-accused persons. He also submits that from perusal of the *ante-mortem* injury, it is found that there is only one injury found on the head over occipital region of the son of the informant, which has been specifically assigned to the co-accused Kundan Hari. It is next submitted that from perusal of the *ante-mortem* injury found on the body of the deceased, there is no other injury found on the body of the deceased apart from one head injury and the swollen injury on the cheek of deceased. It has lastly been submitted that the petitioner has no criminal antecedents and is in custody since 18.12.2024.

5. Learned APP for the State has vehemently opposed the prayer for bail and has stated that the petitioner and others are alleged to have assaulted the son of the informant, who received grievous injury on his head and subsequently died during the course of treatment hence, he does not deserve the liberty of bail.



6. Considering the aforesaid submissions of the parties and taking into account the fact that nature of allegations upon the petitioner is not corroborated by Medical evidence as is evident from the FIR vis-a-vis the *post-mortem* report and also considering the period of custody, let the petitioner above-named, be enlarged on bail on furnishing bail-bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Court concerned, Bhagalpur in connection with Kotwali (Josar) P.S. Case No. 1040 of 2022, subject to the following conditions:-

- (i) One of the bailors will be close relative of the petitioner.*
- (ii) The petitioner will remain present on each and every date fixed by the Court below, if so required by the learned Trial Court.*
- (iii) In case of absence on two consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be canceled by the Court concerned.*

7. Accordingly, the present bail application stands allowed.

(Sourendra Pandey, J)

Sudhanshu/-

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