

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.19375 of 2015

Arising Out of PS.Case No. -146 Year- 2014 Thana -BIDUPUR District- VAISHALI(HAJIPUR)

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1. RAJ BABU RAI @ RAJA BABU Son of Deo Nandan Rai aged about 35 years, Resident of Village Kanchanpur, P.s Bidupur, District- Vaishali

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Kaushal Kumar

For the Opposite Party/s Mr. Dr. M.K. Gautam (App)

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA
ORAL ORDER

03/ 18.09.2015 Heard learned counsel for the petitioner as well as learned Addl. Public Prosecutor for the State.

Informant and some other witnesses claimed to have witnessed the alleged occurrence and they stated that the petitioner and other FIR named accused mercilessly assaulted the deceased by sharp edged weapons as well as iron rod but post mortem report of the deceased reveals that **Gamcha** tied around the neck and armpit was found on the dead body and furthermore, post mortem report reveals that cause of death was asphyxia due to soft firm substance and injury nos. 1 and 2 had been caused by hard and blunt substance.

The contention on behalf of the petitioner is that the aforesaid finding of the doctor completely belies the claim of the informant and other so-called witnesses as no sharp cutting injury was found on the person of the deceased.

Considering the aforesaid facts and circumstances as well as

submissions of the parties and also taking note of this fact that the petitioner does not have any criminal antecedent and allegation of demanding extortion money is also not against the petitioner, let the petitioner be released on bail on furnishing bail bonds of Rs 10,000/- with two sureties of the like amount each to the satisfaction of Sri Afjal Alam, Judicial Magistrate, Ist Class, Vaishali at Hajipur/ concerned court in Biddupur P.S. Case no. 146/2014.

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(Hemant Kumar Srivastava,J)

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