

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.39459 of 2015

Arising out of PS.Case No. -42 Year- 2015 Thana -KAMTAUL District- DARBHANGA

Gobardhan Rai @ Gobardhan Rai @ Shatrughan Rai @ Satodhan Rai, Son of Shobhit Rai, resident of Village - Ahiyari Got. Police Station Kamtaul, District - Darbhanga.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party

Appearance :

For the Petitioner : Mr. Prabhat Kumar Singh, Advocate.

For the Opposite Party : Mr. Anant Kumar (App)

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 12-10-2015 Heard learned counsels for the petitioner, informant and learned counsel for the State

The petitioner is languishing in custody since 04.05.2015 in connection with Kamtaul P.S. Case No. 42 of 2015 for the offences instituted under Sections 452, 341, 323, 307, 302 and 504/34 of the IPC.

The prosecution story, in brief, is that on 14.04.2015 for throwing *Khapra*, there was altercation and due to this, the accused/petitioner Gobardhan Rai assaulted the informant and his wife with *Lathi* on their head and other accused persons assaulted with fists and slaps. It is further alleged that when his daughter

Parwati Kumari came to save, this petitioner gave slaps near her ear by which she fell down on earth. She was also assaulted by fists and slaps and later on she died.

It has been submitted on behalf of the petitioner that the petitioner has got no criminal antecedent. The petitioner is in custody since 04.05.2015 and the charge sheet has been submitted in the case. There is no allegation of tampering with the evidence against the petitioner. As per prosecution case, the petitioner is said to have given one slap to the deceased and due to which she succumbed to the injuries. No. deadly weapon is said to have been used in the course of occurrence. It is at best a case under Sections 304 Part-I or 304 Part-II of the IPC. The petitioner and the informant are the *Gotias*. It is submitted that the petitioner may be released after completion of nine months in custody from 04.05.2015.

On behalf of the learned counsels for the informant and the State it has been submitted that the petitioner is named in the F.I.R. and specific allegation of assault is alleged against him.

Considering the aforesaid facts and circumstances, it is directed that the petitioner above named may be released on bail after completion of nine months in custody from 04.05.2015 on furnishing bail bond of Rs. 10,000/-(Ten Thousand) with two

sureties of the like amount each to the satisfaction of the learned
C.J.M., Darbhanga, in connection with Kamtaul P.S. Case No. 42
of 2015.

U.K./-

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

(Sudhir Singh, J)