

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.47443 of 2015

Arising Out of PS.Case No. -272 Year- 2015 Thana -
KRITYANAND NAGAR District- PURNIA

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CHANDAR HEMBARAM @ CHANDAN HEMBARAM @ BABLU
HEMBARAM, Son of Chhote Lal Hembaram, Resident of
Village-Siswa Tola, Singhia, P.S.-K. Nagar (Champanagar)
District-Purnea.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner :Mr. Malay Kumar Choudhary, Adv.

For the Opposite Party :Mr. Narsing Tanti (A.P.P.)

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**CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI
SHARAN SINGH**

ORAL ORDER

2 29-10-2015

Heard learned counsel for the petitioner and
learned Assistant Public Prosecutor for the State.

This application for grant of regular bail arises
out of K. Nagar (Champanagar) P.S. Case No.272 of
2015, disclosing offences under Section 302 of the
Indian Penal Code.

The allegation against the petitioner is that he

hit the deceased with a piece of stone, resulting into injury because of which he died after three days on 10.06.2015.

Learned counsel for the petitioner, referring to the First Information Report, has submitted that for the occurrence, which is said to have taken place on 07.06.2015, the First Information Report came to be registered on 11.06.2015, without any plausible explanation for delay. He has submitted that on the basis of allegation, as contained in the First Information Report, no offence under Section 302 of the Indian Penal Code is made out, inasmuch as, there is no allegation against the petitioner of hitting the deceased with an intention to kill him, even if the prosecution story is treated to be true.

In view of the submission, as above, this application is allowed. The petitioner, abovenamed, is directed to be released on bail on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of **learned Chief Judicial Magistrate, Purnea**, in connection with **K. Nagar (Champanagar) P.S. Case No.272 of 2015**.

This is subject to the condition that the petitioner shall present himself before the police/Court,

as the case may be, as and when required, and in the event of failure on his part to appear before the Court, on two consecutive occasions, his bail bond shall be liable to be cancelled.

(Chakradhari Sharan Singh, J.)

Praveen-II/-

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