

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.47329 of 2014

Arising Out of PS.Case No. -230 Year- 2014 Thana -BARAHAT District- BANKA

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Parmanand Chouhan son of Grish Chouhan resident of village - Kaitka, P.S.
Barahat, District - Banka.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.

For the Opposite Party/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN
AMANULLAH

ORAL ORDER

2. 04.03.2015 Heard learned counsel for the petitioner and
Mr. Pranav Kumar, learned A.P.P. for the State.

The petitioner seeks bail in Banka (Barahat)
P.S. Case No. 230 of 2014 dated 22.06.2014 instituted under
Sections 341/323/324/379/504/506/34 of the Indian Penal
Code and later on Section 302 of the Indian Penal Code was
also added.

Learned counsel for the petitioner submits
that as per the F.I.R. itself, there was dispute with regard to
picking up of cow dung manure and initially the case was not
registered under Section 302 of the Indian Penal Code and
after two months, when the victim died, the said section was
also added. It is submitted that the allegation of taking away
cash of Rs. 500/- from the pocket of the informant is an
addition. It is submitted that the fact that the informant died

after two months and the allegation being that the petitioner had hit the informant on the head by spade goes to show that on the spur of the moment, due to argument, scuffle took place and the said blow may have been inflicted but there could not have been any intention and admittedly death took place after two months and at the relevant time, the informant was fully conscious and fit to record his fardbeyan. Learned counsel submits that the petitioner having clean antecedent is in custody since 18.10.2014.

Learned A.P.P. opposes the prayer for bail.

Considering the facts and circumstances of the case and submissions of learned counsel for the parties, let the petitioner be released on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Banka in Banka (Barahat) P.S. Case No. 230 of 2014. The petitioner shall cooperate in the trial and be present before the Court on each and every date. Failure to cooperate or appear on two consecutive dates, without sufficient cause, shall lead to cancellation of his bail bonds.

(Ahsanuddin Amanullah, J.)

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