

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.514 of 2015

Arising Out of PS.Case No. -32 Year- 2014 Thana -PARBATTa District- BHAGALPUR

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1. Rakesh Kumar @ Gorku Son of Nirmal Kumar
2. Nirmal Kumar Son of Late Jitan Kumar Both are residents of Vill-
Khagra ,P.S-Parwatta,Distt.-Bhagalpur

.... Petitioners

Versus

1. The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioners : Mr. Pravin Kumar Sinha
For the Opposite Party : Mr. Sharda Kumari(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

4 07-04-2015 Petitioners are languishing in custody since
06.08.2014 and 02.09.2014 in a case registered for the offences
punishable under Sections 147, 307, 323, 324, 341 of the I.P.C
Subsequently Section 302 of the I.P.C. was also added.

It is alleged that petitioners along with other
accused entered into the house of the informant, made assault
to the informant and thereafter they assaulted the wife of the
informant Sadhna Devi who succumbed to the injuries.

It is submitted by learned counsel for the
petitioners that in the subsequent statement recorded in para 8
of the case diary the informant has suggested that the fatal
blow was given by Ujjawal Kumar @ Chotu on the head with
iron rod. Similar are the statements of witness Santosh Ojha
and the son of the informant recorded in paragraph nos. 9 and
10 of the case diary. The postmortem also reflects only one fatal
injury on the head, though one bruise has been found on the
chick of the victim. The postmortem was conducted on 11:30

A.M on 04.07.2014 when the dead body was received on 11:15 A.M on 04.07.2014 whereas the First Information Report was registered on 04.07.2014 at 3:30 P.M which reflects that investigation preceded the registration of F.I.R.

Learned counsel for the State submits that postmortem was conducted on 04.07.2014 mentioned in the postmortem report but the time of postmortem has not been contained in the case diary available with him but it reflects that inquest report was prepared on 05.07.2015.

It is further submitted by learned counsel for the petitioners that petitioner No. 1 is the own brother of the informant and in the background of land dispute the accusation has been levelled and the investigation has already concluded.

Considering the inconsistency of the investigation preceding the F.I.R and as per own statement of the informant and his son that fatal blow was given by the co-accused Ujjawal Kumar @ Chhotu, postmortem reflecting one fatal injury and the investigation being concluded, let the petitioners, above named, be released on bail on furnishing bail bond of Rs. 10,000/-(ten thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate, Naugachia in connection with Parbatta P.S. Case No. 32 of 2014.

(Dinesh Kumar Singh, J)

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