

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.3725 of 2015

Arising Out of PS.Case No. -107 Year- 2014 Thana -RAMGARHWA District-
EASTCHAMPARAN(MOTIHARI)

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1. Mahendra Rai S/o Bhola Rai (Deceased) resident of village Pokhariya,
P.S.- Adapur, District- East Champaran

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Anuj Kumar

For the Opposite Party/s : Mr. Ahmad Ali(APP)

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA
ORAL ORDER

3. 11-03-2015. Heard learned counsel for the petitioner, the informant
and learned APP for the State.

Petitioner seeks bail in a case under Sections 302, 201/34
IPC.

The petitioner is the father-in-law of the deceased, namely,
Shiv Bandhu Yadav, whose wife had come to his house after
having compromised in the court. On the preceding day, the
petitioner went to the house with the son-in-law and requested to
allow his daughter to stay there. It is alleged that on the next day
in the morning, the petitioner along with his son-in-law and
daughter was going to his house but the son-in-law was found
dead.

Learned counsel for the petitioner submits that there is no
eye witness of the occurrence. From perusal of the Post Mortem
Report, it would appear that the deceased Shiv Bandhu Yadav got
crushed injury on his left hand. It appears that the injury was
caused due to fall from train and not on account of any assault.

On the other hand, learned counsel for the informant as well as the State, disclosed that the petitioner, his daughter and son-in-law left the house and at the same time, the brother of the deceased saw the petitioner and his daughter on the platform of the railway station but the deceased was not found at 6 A.M. and on enquiry, the petitioner is said to have disclosed that the deceased was going some-where else. At about 9 A.M., the second brother of the deceased saw the people assembled at the railway crossing and found the dead body of Shiv Bandhu Yadav.

It is submitted that the petitioner had taken the deceased with him. It appears that there is no eye witness of the occurrence. One brother of the deceased saw the petitioner along with his daughter but the deceased was not with the petitioner at 6 A.M. his dead body was found on the railway track at 9 A.M. From perusal of the Post Mortem Report, it appears that the deceased got crush injury on left side of his hand and on account of which fracture injury on left tibia and left femur were found.

Considering the facts that there is no apparent injury on account of assault and also that there is no eye witness of the occurrence, the petitioner, named above, is directed to be enlarged on bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Motihari, East Champaran in connection with Ramgarhwa P.S.Case No.107 of 2014.

(Prabhat Kumar Jha, J.)

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