

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.42906 of 2014

Arising Out of PS.Case No. -45 Year- 2014 Thana -KUNALI District- SUPAUL

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Dinesh Yadav @ Dinesh Kumar Yadav, son of Gyan Singh, resident of
Village- Bajidpur, P.S. Chandpur, District- Bjuar (U.P.) at present S.S.B.
Jawan 35 Batalian Kunauli Camp, P.S. Kanauli, District- Supaul.

.... Petitioner.

Versus

The State of Bihar

.... Opposite Party.

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Appearance :

For the Petitioner : Mr. Anil Kr Singh No. 6, Advocate.

For the State : Mr. Asha Devi, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE AMARESH KUMAR LAL
ORAL ORDER

3 22-01-2015 Heard the learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner is in custody since 23. 07. 2014 in a case
registered for the offence punishable under Section 302 of Indian
Penal Code.

The allegation against the petitioner is to have assaulted
the deceased by fists and slaps which has caused death of the
deceased.

It is submitted that petitioner is a Constable in Sima
Sureksha Bal posted near Kunauli in Nepal border. The informant
is not eye witness to the occurrence. During investigation, several
witnesses have stated that due to stolen mobile, there was
altercation between the deceased and the petitioner and petitioner
assaulted the deceased by fists and slaps. Thereafter, the deceased



has returned stolen mobile to the petitioner. After the occurrence the deceased was taken to the house and during treatment, the deceased died after three days of the occurrence. The cause of death shows Neurogenic haemorrhage due to injury. However, no case has been made out against the petitioner under Section 302 of Indian Penal Code. After investigation, charge sheet has been submitted and cognizance has already been taken. It is further submitted that petitioner has no criminal antecedent.

Considering the facts and circumstances of this case, the above-named petitioner is directed to be released on bail on furnishing bail bond of Rs.10,000/- with two sureties of the like amount each to the satisfaction of learned Sub-Divisional Judicial Magistrate, Birpur, District- Supaul; in P.S. Case No.Kunouli P.S. Case No. 45 of 2014 after framing of the charge with the following conditions :

1. One of the bailors will be the close relative of the petitioner.
2. The petitioner will not indulge in similar or in any other offence.
3. The petitioner will be well represented in the court.
4. In case of absence for two consecutive

dates or in violation of the terms of the bail, his bail bond will be liable to be cancelled by the court concerned.

m.p.

(Amaresh Kumar Lal, J)

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