

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.27799 of 2015

Arising Out of PS.Case No. -52 Year- 2015 Thana -MAGADH MEDICAL COLLEGE District-
GAYA

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1. Kanchan Devi Wife of Dipak Paswan Resident of Village - Kaler, Police
Station Magadh Medical, District - Gaya

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rabindra Prasad Singh

For the Opposite Party/s : Mr. A.Dayal(App)

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**CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN
SHARMA**
ORAL ORDER

3 14-10-2015 Heard learned counsel for the petitioner and learned
A.P.P. representing the State.

Petitioner seeks bail in connection with Magadh
Medical P.S. Case No. 52 of 2015 registered for the offences
punishable under Sections 323, 338 and 302 of the Indian Penal
Code.

Allegedly the husband of the informant was singing a
song due to which the petitioner assaulted him with brick and
stone and further pushed him, causing injury and thereafter, he
was brought to Magadh Medical Hospital and the doctor took
thumb impression of her son on a plain paper for starting treatment
and during treatment in the morning at about 3.00 a.m. the

husband of the informant died.

Submission is of false implication and that the deceased died due to fall and the informant is not the eye witness, as is clear from the further statement recorded in Para 6 of the case diary. The other witnesses examined during investigation up to Para 13, also not eye witnesses and they are hearsay witnesses whereas, Suggi Devi in Para 14 has stated that the petitioner was singing a song which was opposed by the petitioner and the petitioner threw a piece of brick towards him and then the husband of the informant started fleeing away and during process of fleeing away, he fell down and became injured and, as such, the petitioner who is suffering in custody since 28.04.2015, deserves sympathetic consideration to which learned A.P.P. does not oppose.

In the facts and circumstances stated above, the petitioner above named is directed to be released on bail on execution of bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the Learned Chief Judicial Magistrate, Gaya arising out of Magadh Medical P.S. Case No. 52 of 2015 subject to the conditions that one of the bailors must be near relative and another having sufficient immovable property within the territorial jurisdiction of the court

concerned and the petitioner shall remain present on each and every date during trial and the default on two consecutive dates on his part without any reason shall disentitle the petitioner from privilege of bail.

(Jitendra Mohan Sharma, J)

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