

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.39948 of 2015

Arising Out of PS.Case No. -30 Year- 2015 Thana -HATHUA District- GOPALGANJ

=====

Osihar Rai @ Osiyar Rai Son of Rama Rai Resident of Village-chainpur
,P.s Hathuwa, dist-Gopalganj.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Yogendra Prasad Sinha

For the Opposite Party/s : Mr. Md. A.Haque Sahara (App)

=====

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 13-10-2015 Heard learned counsel for the petitioner, informant and
the State.

The petitioner seeks bail in a case instituted under
Sections 341, 323, 324, 307, 302, 379, 385 and 504/34 of the
Indian Penal Code.

Allegation against the petitioner is that he gave iron rod
blow on the head of the brother of the informant. Later on, he
(brother of the informant) died in course of treatment.

It has been submitted on behalf of the petitioner that he is
in custody since 6.3.2015. Chargesheet has been submitted in the
case. There is no allegation of tampering of evidence against the
petitioner. As per prosecution case, there is allegation of a single
blow by iron rod on the head of the deceased. There is no
repetition of assault alleged against the petitioner. Earlier a case
was instituted for offence under Section 307 of the Indian Penal
Code and after a period of 12 days in course of treatment deceased
has succumbed to injury and thereafter Section 302 of the Indian

Penal Code has been added. It is further submitted that petitioner may be released after completion of one year in custody from 6.3.2015.

On behalf of the State and informant, it is submitted that the petitioner is named in the F.I.R. and there is specific allegation of assault against him.

Considering the aforesaid facts and circumstances, let the above named petitioner be released on bail after completion of one year in custody from 6.3.2015 on furnishing bail bond of Rs. 10,000/- (Ten thousand only) with two sureties of the like amount each to the satisfaction of learned Addl. District Judge-IIIrd, Gopalganj, in connection with S. Tr. No. 279 of 2015 arising out of Hathuwa P.S. Case no. 30 of 2015.

(Sudhir Singh, J)

sudip/-

U		T	
---	--	---	--