

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.48376 of 2015

Arising Out of PS.Case No. -89 Year- 2015 Thana -ALAMGANJ District- PATNA
=====

1. Pawan Kumar Son of Kishun Sao, Resident of Village - Nayagaon,
Police Station - Alamganj and District - Patna.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s
=====

Appearance :

For the Petitioner/s : Mr. Manish Kumar No-2

For the Opposite Party/s : Mr. Smt.Pushpa Sinha (App)
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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

3 02-12-2015 Heard learned counsel for the petitioner and learned
counsel representing the State.

The petitioner seeks bail in connection with Alamganj
P.S. Case No. 89 of 2015 registered for the offence punishable
under Sections 302/34 of the Indian Penal Code.

Allegedly, Ganesh Sao the son of the informant used to
take drink and due to that the petitioner and the wife of Ganesh
Sao assaulted him and tied him with electric pole resulting he died
due to lack of treatment.

Submission is of false implication and that the deceased
was living in the in-laws house due to strain relation with the
informant. The deceased was habitual drunker and he received
injury due to fall. The son of the deceased has been examined
during investigation vide para 23 of the case diary and he has

stated that his father in drunken condition was damaging the vehicle of the petitioner and was also abusing and then he was tied with electric pole but thereafter, he was freed and then he went away and in the morning his dead body was found. He has categorically stated that the petitioner has not assaulted him. Co-accused the wife of the deceased has already been allowed bail by the court below itself.

Learned APP duly assisted by learned counsel for the informant opposes the prayer of bail by submitting that in post mortem several injuries have been found on the person of the deceased but opinion was not given regarding cause of death awaiting FSL report.

In the facts and circumstances stated above, considering that chargesheet has already been submitted and there is no chance of tampering with prosecution evidence and further the son of the deceased has not supported the allegation, there is no eye witness to the occurrence, 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 learned Additional Chief Judicial Magistrate, Patna City in connection with Alamganj P.S. Case No. 89 of 2015, subject to the conditions that one of the bailors must be a 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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