

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.15343 of 2015

Arising out of PS.Case No. -34 Year- 2014 Thana -NATWAR District- SASARAM (ROHTAS)

Rajesh Giri Son of Deomuni Giri resident of Village- Bidhikhkap Mathia,
Police Station- Natawar, District-Rohtas at Sasaram.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

Appearance :

For the Petitioner/s : Shri Vipin Kumar Singh

For the Opposite Party/s : Shri Satyendra Pd., APP

CORAM: HONOURABLE SHRI JUSTICE DHARNIDHAR JHA
ORAL ORDER

3 29-07-2015

Heard.

The written report of the lady informant stated that she was being chastised for going to Bhaluni Dham with a man outside the family. Enraged at the act of the lady informant, the petitioner is said to have given three blows to the lady with a piece of bamboo and probably any of the three blows hit her five month old daughter who was in the lap of the lady.

The submission is that if at all there was any intention of committing the voluntarily act of beating up the lady, it was confined only to the lady and the second limb of the submission was that as regards the death of the child, the petitioner could not be said to have the requisite *mens rea* and, as such, it may not be an offence under Section 302 of the Indian Penal Code rather it could be an offence under Section

325 of the Indian Penal Code.

Considering the submissions and the facts of the case, let petitioner Rajesh Giri be released 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 learned Chief Judicial Magistrate, Rohtas at Sasaram in connection with Natwar P.S. Case No. 34 of 2014.

(Dharnidhar Jha, J.)

Sanjay/-

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