

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.25155 of 2015

Arising Out of PS.Case No. -37 Year- 2015 Thana -LODIPUR District- BHAGALPUR

Bindu Devi W/O Late Ashish Kumar @ Aasish Kumar Ghosh Resident of
Mohalla Laluchak Angari, P.S. Lodipur, District Bhagalpur.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

Appearance :

For the Petitioner : Mr. Subodh Prasad, Advocate.

For the Opposite Party : Mr. Akbar Ali(App)

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

3 04-08-2015 Heard both sides.

The petitioner seeks bail in a case registered for the offences punishable under Sections 302, 120B and 34 of the Indian Penal Code.

The informant suspected that the petitioner who happens to be live-in partner of the deceased and her two sons pushed Ashish Kumar @ Aasish Kumar Ghosh from the roof and Ashish Kumar @ Aasish Kumar Ghosh died.

It is submitted that the informant is not an eye witness of the occurrence only suspicion is raised. The true fact is that the deceased died due to fall from the roof. There is no other material to show that the petitioner assaulted the deceased.

On the other hand learned counsel for the informant as

well as the learned APP vehemently opposed the prayer for bail and submitted that the deceased had written a letter that the petitioner and her two sons used to assault her to grab his property and the petitioner and her two sons shall be responsible for any mishappening with the deceased Ashish Kumar @ Aasish Kumar Ghosh.

It appears that there is no eye witness of the occurrence and it is submitted that the deceased died due to injury found on his head caused by hard and blunt object. From perusal of para 7 and 8 of the case diary it appears that the deceased was lying on a cot and he was vomiting. The deceased had fallen down from the roof. Of course, Mushal and other articles were recovered from the house of the petitioner, but that does not in any way show that the deceased was assaulted by the petitioner.

Considering the facts aforesaid, the petitioner above named is directed to be enlarged 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, Bhagalpur in Lodipur P.S. Case No. 37 of 2015.

(Prabhat Kumar Jha, J.)

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