

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.52450 of 2015

Arising Out of PS.Case No. -91 Year- 2015 Thana -DHANAHA District-
WESTCHAMPARAN(BETTIAH)

=====

Prem Ram S/o Maksudan Ram, Resident of Village - Tamkuhawatar, P.S. -
Dhanha, District - West Champaran.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

=====

Appearance :

For the Petitioner/s : Mr. Vijay Kr Singh No. 1, Advocate

For the Opposite Party/s : Mr. Binod Kumar 2, APP

=====

CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL ORDER

2 30-01-2016 Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner seeks bail in connection with Dhanaha
P. S. Case No. 91 of 2015 registered under Section 147, 149,
341, 323, 504 and 302 of the Indian Penal Code.

It has been contended that there is no allegation of
repetition of any blow against the petitioner. The petitioner is
alleged to have assaulted the father of the informant with brick
on his abdomen. The father of the informant died after four days
of the occurrence and in between he was not treated by any
doctor. It has further been contended that even if the entire
allegations made in the FIR are taken to be true, the ingredients

of the offence punishable under Section 302 of the Indian Penal Code would not be attracted and at best, it would be a case of Section 304 Part-II of the Indian Penal Code.

On the other hand, learned counsel for the State has opposed the application for grant of bail to the petitioner. He has submitted that there is specific allegation against the petitioner that he gave a blow with brick on the abdomen of the father of the informant as a result of which he died after four days.

Be that as it may, regard being had to the facts and circumstances of the case, the petitioner who is reported to be a man of clean antecedent and is in custody since 24.08.2015, the petitioner above named is directed to be released on bail on furnishing bail bond of Rs.10,000/- (Ten thousand only) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate, Bagaha, District- West Champaran in connection with Dhanaha P. S. Case No. 91 of 2015.

(Ashwani Kumar Singh, J.)

Kanchan/-

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