

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.56101 of 2015

Arising Out of PS.Case No. -117 Year- 2015 Thana -AURAI District- MUZAFFARPUR

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1. Phoolwati Devi wife of Ram Pukar Rai Resident of village - Aurai, P.S. - Aurai, Dist - Muzaffarpur.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Hari Kishore Thakur

For the Opposite Party/s : Mr. Pradip Nr.Kumar(App)

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

3 11-02-2016 Heard the learned counsel for the petitioner and the learned A.P.P. representing the State.

The petitioner seeks bail in connection with Aurai P.S. Case No. 117 of 2015 registered for the offences punishable under Sections 302 and 34 of the Indian Penal Code.

Allegedly, Naresh Rai the brother-in-law of the informant when to the house of the petitioner to take return of his mobile then the petitioner and other denied to return the mobile and started abusing and further the petitioner armed with Musal and other co-accused armed with lathi, danda assaulted Naresh Rai and killed him.

Submission is of false implication and that the informant has implicated the petitioner and other co-accused due



to patadari dispute and dirty village politics, the informant is not the eye witness of the occurrence, during investigation no cogent evidence has come against the petitioner and in postmortem report neither external nor internal injury has been found on the person of the deceased resulting the cause of death has been kept reserve till the receipt of report of chemical analysis, as a matter of fact the deceased was ill and he died due to illness and as such the petitioner suffering in custody since 10.7.2015 deserves sympathetic consideration.

The learned A.P.P. opposes but fairly submits that during post mortem no external or internal injury has been found on the person of the deceased.

In the facts and circumstances stated above, considering that the charge-sheet has already been submitted and there is no chance of tampering with prosecution evidence and as such the petitioner is directed to be released on bail on execution of bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of Sri Jawed Alam, Judicial Magistrate, 1st Class, Muzaffarpur, in connection with Aurai P.S. Case No. 117 of 2015 subject to the conditions that one of the bailors must be 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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