

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.2868 of 2016

Arising Out of PS.Case No. -39 Year- 2015 Thana -SACHIWALAYA District- PATNA

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Jitendra Kumar, son of Sri Arjun Mahto, resident of Mohalla-Dariapur, Sabzibagh, P.S. Kadamkuan, District Patna, at present resident of R. Block, Jhoparpatti, P.S. Sachiwalay, District Patna.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ramakant Sharma, Sr. Adv.
Mr. Lakshmi Kant Sharma, Adv.

For the Opposite Party/s : Mr. Anil Kumar(APP)

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA
ORAL ORDER

2 30-01-2016 Heard learned counsel for the petitioner as well as learned Additional Public Prosecutor for the State.

According to prosecution case, deceased was assaulted by the petitioner and other F.I.R. named accused as well as some unknown persons on 17.04.2015 and the deceased was taken to the clinic of a doctor on 18.04.2015 where deceased died and after that informant gave written report on 19.04.2015. In post mortem examination, no external injury was found but on dissection, one contusion of size 3"x2" with irregular margin was found on the right posterior part of scalp and the aforesaid injury became fatal for the deceased but it is not specific who was author of the aforesaid injury.

The contention on behalf of the petitioner is that even

if the prosecution story assumed to be true, then also, at best, it is a case of Section 304 of the Indian Penal Code for which petitioner is in jail custody since long and the investigation of this case has already been completed.

Considering the aforesaid facts and circumstances as well as submissions of the parties, let the petitioner be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of Sri Raghvendra Narain Singh, Judicial Magistrate 1st Class, Patna in connection with Sachiwalaya P.S. Case No. 39 of 2015.

(Hemant Kumar Srivastava, J)

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