

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.22760 of 2016

Arising Out of PS.Case No. -81 Year- 2016 Thana -HILSA District- NALANDA
(BIHARSHARIFF)

=====

Bale Gope, S/o Late Janki Gope, resident of village- Nemana Tola, P.S.-
Hilsa, District- Nalanda (Biharsharif)

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Lovekush Kumar, Advocate

For the Opposite Party/s : Mr. Yogendra Kumar Singh

=====

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 20-05-2016 Heard learned counsel for the petitioner and the
State.

The petitioner is apprehending his arrest in a case registered for the offences punishable under Sections 147, 148, 149, 323, 324, 307, 302, 504 of the Indian Penal Code.

The prosecution case is that in the background of land dispute accused persons including the petitioner entered into the house of Chando Gope and started assaulting his wife. Co-accused Shashi Bhusan gave dagger blow on the neck of Sanju Devi. When Rajniti Yadav came to rescue, then all the accused persons attacked him and pushed down, then Anuj Gope threw a cement brick on his chest, as a result he sustained serious injury and died on the spot.

It is submitted by the learned counsel for the petitioner that in fact, Sanju Devi has not received any injury. The post-mortem report of Rajiniti Yadav suggests only swelling on the chest, the post-mortem report suggests the cause of death due to cardio respiratory failure produced arrhythmic due to severe myocardial infarction. Statement has been made in para-3 of the petition that petitioner has no criminal antecedent. Similarly situated accused persons have been granted anticipatory bail by a Co-ordinate Bench of this Court vide Cr. Misc. No. 19426 of 2016.

Considering the accusation not being corroborated by the medical opinion, let the above named petitioner be released on bail in the event of his arrest or surrender before the learned court below within a period of twelve weeks from today, on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate, Hilsa in connection with Hilsa P.S. Case No. 81 of 2016, subject to conditions as laid down under Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

P.K./-

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