

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.43319 of 2016

Arising Out of PS.Case No. -41 Year- 2016 Thana -BANGAON District- SAHARSA

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1. Daho Mukhiya Son of late Babujan Mukhiya Resident of Village-
Bhushwar Dih, P.S. Bangaon, District Saharsa.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ashok Kumar Mishra

For the Opposite Party/s : Mr. Zainul Abedin

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA
ORAL ORDER

3 15-12-2016 Heard both sides.

The petitioner seeks bail in Bangaon P.S. case No. 41
of 2016 under Section 302 and other Sections of the Indian Penal
Code.

The informant named 10 persons, including the
petitioner, and alleged that they all, having armed with sticks,
came to his house and assaulted his wife, Ful Kumar Devi, with
fists, slaps and sticks. His wife died on the spot.

The learned counsel for the petitioner submits that 10
persons are alleged to have assaulted the deceased, Ful Kumari
Devi, but the post mortem report does not corroborate the ocular
version of the prosecution. Ful Kumari Devi did not get any
external or internal injury and viscera was kept preserved for



examination by Forensic Science Laboratory. It is further submitted that no specific allegation of assault is made against the petitioner.

The learned Additional Public Prosecutor submits that, of course, in the post mortem report the doctor did not find any external or internal injury but from perusal of inquest report, it appears that some swelling was found on back and thigh and there was abrasion near left elbow. Froth was coming out from the mouth of deceased.

Considering the fact that, of course, the petitioner and nine others are alleged to have assaulted the deceased but no external or internal injury was found on the person of deceased, the above named petitioner 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 Additional Chief Judicial Magistrate-I, Saharsa in Bangaon P.S. Case No. 41 of 2016.

(Prabhat Kumar Jha, J)

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