

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.6940 of 2016

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

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Amar Nath Kumar, Son of Rampukar Rai, Resident of village- Aurai, P.S.-
Aurai, District- Muzaffarpur

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

Appearance :

For the Petitioner : Mr. Hari Kishore Thakur, Advocate.

For the Opposite Party : Mr. Anant Kumar (APP)

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

2 02-03-2016 Heard learned counsel for the petitioner and 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 offence punishable under Section 302/34
of the Indian Penal Code.

Allegedly Naresh Rai, brother-in-law of informant, went 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 assaulting him
where co-accused Phoolwati Devi was armed with *Musal* and the petitioner
was armed with *lathi, danda*, resulting, Naresh Rai died.

Submission is of false implication and that the petitioner and
other co-accused have been implicated due to *patidari* dispute and dirty
village politics, the informant is not an eyewitness to the occurrence, during
investigation no cogent material has come against the petitioner and in
postmortem report neither external nor internal injury has been found on the

person of the deceased and the opinion regarding the cause of death was kept reserved, as a matter of fact the deceased was ill and he died due to illness, co-accused Phoolwati Devi has already been allowed bail and the petitioner is suffering in custody since 10.07.2015.

The learned A.P.P. fairly submits that co-accused Phoolwati Devi has been allowed bail.

In the facts and circumstances stated above, the petitioner above named is directed to be released on bail on execution of bail bond of Rs. 10,000/- (ten thousand) with two sureties of like amount each to the satisfaction of 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 a 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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