

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.22571 of 2016

Arising Out of PS.Case No. -11 Year- 2016 Thana -DEO District- AURANGABAD

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Umesh Yadav S/o Rajendra Yadav, resident of Village-Dukhi Bigha, P.S.-
Deo, District-Aurangabad.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance:

For the Petitioner : Mr. Bhaskar Shankar, Advocate.

For the Opposite Party : Mr. Indra Kumar Singh, APP.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

4 01-08-2016

Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner is languishing in custody since
26.02.2016 in connection with Deo P. S. Case No. 11 of 2016 for
the offences instituted under Sections 302 and 201 of the Indian
Penal Code.

The prosecution story, in brief, is that allegedly,
one dead body was found floating in the well situated in the
village Dikhi Bigha. After getting this information, Shri Pramod
Kuamr, S.H.O., Deo Police Station reached there and enquired
into the incident. He found that the petitioner was having fight
with his son who was fully intoxicated after consuming liquor

and ganja and fighting with his two younger sisters. Seeing this, the petitioner intervened but his son started assaulting his youngest sister with lathi, so the petitioner took a small wooden stick and assaulted the deceased on head due to which he died and the dead body was disposed off by him into the well.

It has been submitted on behalf of the petitioner that the petitioner is in custody since 26.02.2016. Chargesheet has been submitted in the present case. The petitioner has got no criminal antecedent. There is no allegation of tampering with the evidence against the petitioner. As per the First Information Report, the deceased in a drunken state was abusing and assaulting his family members including the grand-mother and sister. In course of the said incident, due to hot exchange, a single blow of *Phatha* is said to have given by the petitioner. There is no repetition of assault alleged against the petitioner. It is, at best, a case for offence under Section 304 of the Indian Penal Code.

On behalf of the State, it has been submitted that the petitioner is named in the F.I.R.

Considering the aforesaid facts and circumstances, let the petitioner above named, be released 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 Chief Judicial Magistrate, Aurangabad, in connection with Deo P. S. Case No. 11 of 2016.

(Sudhir Singh, J.)

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