

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.48682 of 2015**

Arising Out of PS.Case No. -1 Year- 2015 Thana -DHAMDAHA District- PURNIA

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1. Kalanand Mehta Son of Late Baidya Nath Mehta, resident of Village-Damgara, Paschim, P.S.- Dhamdaha, District- Purnea.

.... .... Petitioner/s

Versus

1. The State of Bihar

.... .... Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Mukesh Kumar Jha

For the Opposite Party/s : Mr. Md. Sufiyan(App)

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**CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA**  
**ORAL ORDER**

3      28-01-2016                      Heard learned counsel for the petitioner and learned counsel representing the State.

Petitioner seeks bail in connection with Dhamdaha P.S. Case No. 01 of 2015 registered for the offence punishable under Section 302 of the Indian Penal Code.

On the basis of fardbeyan of Choukidar this case has been instituted with allegation that earlier altercation has taken place between the petitioner and the deceased Baidya Nath Mehta wherein Baidya Nath Mehta received injury and then the villagers brought him for treatment at Referral Hospital, Dhamdaha from where he was referred to Sadar Hospital, Purnea and the doctor of Sadar Hospital, Purnea referred for further treatment but he was brought at the village where he died.



Submission is of false implication and that the petitioner is the son of the deceased, the father of the petitioner had fallen down on bamboo split and sustained head injury, the petitioner immediately brought him to Referral Hospital, Dhamdaha and thereafter to Sadar Hospital, Purnea, except suspicion there is no cogent material available in the case diary and after investigation chargesheet has been submitted under Section 304 of the Indian Penal Code and the petitioner is in custody since 13.01.2015.

Learned App opposes the prayer of bail by submitting that after the occurrence the petitioner left his father unattended.

In the facts and circumstances stated above, considering the period of detention and further there is nothing to suggest that the petitioner after release will tamper the prosecution evidence and as such 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 the like amount each to the satisfaction of the learned 3<sup>rd</sup> Additional Sessions Judge, Purnea in S. Tr. No. 225 of 2015 arising out of Dhamdaha P.S. Case No. 01 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.

avin/-

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**(Jitendra Mohan Sharma, J)**