

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.34455 of 2016

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

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1. Anuj Gope son of Sunil Gope, Resident of Village- Nemana Tolla, P.S-
Hilsa, District- Nalanda.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rajeev Kumar

For the Opposite Party/s : Mr. Sri Nityanand Tiwary

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA
ORAL ORDER

2 20-08-2016 Heard learned counsel for the petitioner and learned

counsel for the informant as well as learned Additional Public

Prosecutor for the State.

Due to land dispute, some persons including petitioner
were fighting and the deceased went there to pacify the matter but
he was assaulted by the accused persons and in that course,
petitioner is said to have given one stone blow causing injury on
the chest of the deceased.

Submission on behalf of the petitioner is that the post
mortem report of the deceased goes to show that the deceased died
due to cardiac respiratory failure and, moreover, the injury found
on the person of the deceased was not sufficient to cause his death

and, therefore, even if the prosecution story is assumed to be true, then also, it is case of Section 304 Part-II of the Indian Penal Code. Petitioner is in jail custody since 24.02.2016 and investigation against the petitioner has already been completed.

Accordingly, let the petitioner, above named, be released on bail on furnishing bail bonds of Rs. 10,000/- with two sureties of the like amount each to the satisfaction of Additional Chief Judicial Magistrate, Hilsa, Nalanda in connection with Hilsa P.S.Case No. 81 of 2016.

N.K/-

(Hemant Kumar Srivastava, J)

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