

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.6307 of 2016

Arising Out of PS.Case No. -33 Year- 2015 Thana -DIDARGANJ District- PATNA

Santosh Yadav, Son of Jagdish Yadav, Resident of Village- Fateh Jangpur,
Police Station- Didarganj, District- Patna.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

Appearance :

For the Petitioner : Mr. Ram Naresh Ray, Advocate.

For the Opposite Party : Mr. Sunil Kumar Pandey(APP)

CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

3 07-04-2016 Heard learned counsel for the petitioner, learned
counsel for the informant and learned A.P.P. representing the
State.

The petitioner seeks bail in connection with Didarganj
P.S. Case No. 33 of 2015 (G.R. No.508 of 2015) registered for the
offences punishable under Sections 341, 323, 504 and 302 of the
Indian Penal Code.

Santosh Kumar Jaiswal, the husband of the informant
informed through mobile that he was being assaulted by the
petitioner and the petitioner also told the informant that he has
assaulted with 4-5 slaps and it is alleged that the husband of the
informant used to take drink and he has taken Rs.8000/- on
interest from the petitioner and further it is alleged that the
petitioner killed the husband of the informant by strangulating

him.

The submission is of false implication and that the informant is not the eyewitness, the eyewitness vide para-14 has stated that the petitioner gave 4-5 slaps to Santosh Kumar Jaiswal and then he came into his house and thereafter his condition deteriorated and later on he died when he was brought for treatment.

Learned A.P.P. duly assisted by the learned counsel for the informant opposes the prayer of bail by submitting that the petitioner has assaulted the deceased and further near the neck of the deceased ligature mark was found and the death was caused from asphyxia though it is mentioned that due to hanging caused by ligature material.

In the facts and circumstances stated above, considering that the eyewitness vide para-14 has simply stated that the petitioner gave 4-5 slaps to Santosh Kumar Jaiswal and no one has stated that the petitioner was strangulating him and as such, considering the detention of the petitioner and further the charge sheet has already been submitted and there is no chance of tampering with the prosecution evidence, 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 like

amount each to the satisfaction of Sri Aman Kumar Judicial Magistrate 1st Class, Patna City, Patna, in connection with Didarganj P.S. Case No.33 of 2015, subject to conditions that one of the bailors must be 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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