

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.33892 of 2016**

Arising Out of PS.Case No. -303 Year- 2012 Thana -GOPALPUR District- BHAGALPUR

1. Hari Mistri Son of Late Uttam Mistri Resident of Village- Bari  
Makandpur, Police Station Gopalpur, District Bhagalpur.

.... .... Petitioner/s

Versus

1. The State of Bihar

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

**Appearance :**

For the Petitioner/s : Mr. Rajesh Kumar

For the Opposite Party/s : Mr. Sri Umanath Mishra

**CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR**  
**SRIVASTAVA**  
**ORAL ORDER**

2 18-08-2016 Heard learned counsel for the petitioner as well as  
learned Additional Public Prosecutor for the State.

Petitioner seeks bail in a case registered for the  
offences punishable under Sections 147, 149, 302 of the Indian  
Penal Code.

Petitioner is named in the first information report  
along with some others and general allegation of assault has been  
levelled against him. Moreover, it is specific case of the informant  
that it was Subhash Mistri, who assaulted the deceased by iron  
rod.

Submission on behalf of the petitioner is that having  
similar allegation, some co-accused have already been granted  
privilege of bail by co-ordinate Benches of this Court. Moreover,

no apparent injury was found on the person of the deceased but after post mortem on the corpus of the deceased the doctor opined that cause of death of deceased was *septicemia*.

The impugned order goes to show that in course of post mortem examination the doctor found some laceration on the liver of the deceased and also bleeding from liver but admittedly, having similar allegation, some co-accused have already been granted privilege of bail whereas petitioner is in jail custody since 17.05.2016.

Considering the aforesaid facts and circumstances as well as submissions of the parties, let the petitioner be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of Additional Chief Judicial Magistrate, Naugachia, Bhagalpur in connection with Gopalpur P.S. Case No. 303 of 2012.

**(Hemant Kumar Srivastava, J)**

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