

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.2232 of 2017

Arising Out of PS.Case No. -26 Year- 2016 Thana -DEORIYA District- MUZAFFARPUR

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Vishwanath Bhagat, son of late Sitaram Bhagat, resident of village-Chand
Kewari, P.S. Deoriya, District- Muzaffarpur.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rakesh Ranjan, Adv.

For the Opposite Party/s : Sri Uma Shankar Prasad Singh, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

3 27-02-2017 Heard learned counsel for the petitioner and the State.

The petitioner seeks bail in Deoriya P.S. Case No. 26
of 2016 instituted for the offence under sections 341, 323, 324,
325, 307 504 and 34 of the Indian Penal Code.

It is submitted that on the same day, niece of this
petitioner lodged a case bearing Dewariya P.S. Case No. 27 of
2016, in which, this petitioner and Jyoti Kumari were badly
assaulted by the accused persons. It is further submitted that there
is no specific allegation against this petitioner of assault by means
of 'Kudal' to the deceased Ramchandra Bhagat. Thereafter, other
accused persons assaulted the deceased with Dav, Farsa, iron rod
etc. From the Post-mortem, it appears that only one injury was
found on the person of the deceased, caused by hard blunt
substance. One stitch injury was found on parietal region of the



deceased. The doctor opined that other details of injuries can be obtained from the doctor who treated him. The injury report of the injured goes to show that a stitch wound was found on left parietal region, caused by hard and blunt substance and the injured was referred to PMCH for better treatment. In this manner, from the written report as well as statement, made by the witnesses in the case diary, there appears to be no specific allegation against this petitioner of assaulting the deceased which proved fatal for his death.

The petitioner is in custody since 22.8.2016.

Considering the aforesaid facts and circumstances of the case. Prayer for bail of the petitioner is allowed. 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 learned Judicial Magistrate, 1st Class, Muzaffarpur in connection with Deoriya P.S. Case No. 26 of 2016, subject to the condition that both the bailors will be the close relatives of the petitioner.

(Sanjay Priya, J)

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