

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.12149 of 2017

Arising Out of PS.Case No. -104 Year- 2016 Thana -BANGAON District- SAHARSA

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Nagpal @ Kumar @ Nagpal Kumar Son of Umesh Prasad Gupta, Resident
of Village-Bariyahi Bazar, P.S.-Bangoan, District-Saharsa.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Anirudh Kumar Sinha, Advocate.

For the Opposite Party : Ms. Veena Rani Prasad, APP.

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

3 08-04-2017 Heard both sides.

The petitioner seeks bail in Bangaon P.S. Case No. 104
of 2016, registered for the offences punishable under Section 302
and other Sections of the Indian Penal Code and under Section 27
of the Arms Act.

Mukesh Poddar the informant named the petitioner
along with other accused persons and alleged that they all entered
into his house and assaulted him and others. The informant further
alleged that the police came and apprehended his father
Chandeshwari Poddar, the deceased, Randhir Poddar @ Raja,
younger brother of the informant and Anil Kumar, the brother-in-
law of the informant and brutally assaulted them. The informant's
father died on 09.12.2016 in police custody.



Learned counsel for the petitioner submits that after death of Chandeshwari Poddar, the father of the informant, the present case was lodged, but the informant did not make any specific allegation of assault against the petitioner. It is further submitted that the informant lodged Complaint Case No. 1292 of 2016 on 05.12.2016 with regard to the same occurrence, but the petitioner is not named in the aforesaid complaint case. It is further submitted that Chandeshwari Poddar, father of the informant, died while he was in custody in Bangaon P.S. Case No. 101 of 2016. The superintendent of Sub-Divisional Jail, Saharsa called the Sub-Divisional Officer, Saharsa for preparing the inquest report of the deceased who died during course of the treatment. The post-mortem report does not show any external or internal injuries on the persons of the deceased.

On the other hand learned counsel for the informant submits that the complaint was filed for the occurrence took place on 03.12.2016. The petitioner and other accused persons assaulted the informant and other family members of the informant but from perusal of the records it appears that, of course, the petitioner is named in the FIR, but the informant lodged the case with regard to the occurrence said to have taken place on 04.12.2016. The post-mortem report shows that there was no external or internal injury



on the body of the deceased. No specific allegation of assault is made against the petitioner.

Considering the facts aforesaid the petitioner above named is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the Additional Chief Judicial Magistrate 1st, Saharsa in Bangaon P.S. Case No. 104 of 2016.

(Prabhat Kumar Jha, J.)

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