

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.23459 of 2017

Arising Out of PS.Case No. -17 Year- 2017 Thana -GIRIYAK District- NALANDA
(BIHARSHARIFF)

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Lalan Prasad @ Lalan Kumar, son of Late Kameshwar Prasad, resident of
Village- Platpur, P.S.- Katrisarai, Dist- Nalanda. Petitioner

Versus

The State of Bihar. Opposite Party

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Appearance :

For the Petitioner/s : Mr. Sudish Kumar

For the Opposite Party/s : Mr. Sri Tapeswar Sharma

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**CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN
SHARMA**

ORAL ORDER

3 03-07-2017 Heard learned counsel for the petitioner and learned APP
representing the State.

The petitioner seeks bail in connection with Giriyak
(Katrisarai) P.S. Case No. 17 of 2017 registered for the offence
punishable under Sections 302/34 of the Indian Penal Code.

Allegedly, the petitioner and other FIR named accused
persons at the point of pistol were demanding land of the share of
Chandrashekhar, the uncle of the informant, and on refusal pushed him
from the staircase, resulting, he fell down and received injury on his
head, thereafter, he was treated by private doctor in the village who
referred him to Biharsharif Sadar Hospital but the doctor of Sadar
Hospital, Biharsharif declared him dead.

Submission is of false implication and that the doctor who
conducted post mortem examination has found the cause of death due
to Myocardio infraction (heart attack), no external injury has been found
on his body and as such prosecution version appears false, the uncle of



the informant died due to heart attack and taking the advantage due to enmity the petitioner and others have been implicated.

Learned APP submits that the witnesses have supported the occurrence.

In the facts and circumstances stated above, considering the post mortem report which is not consistent with the prosecution version, 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 the like amount each to the satisfaction of learned Chief Judicial Magistrate, Nalanda at Bihar Sharif in connection with Giriyak (Katrisarai) P.S. Case No. 17 of 2017, subject to the conditions that one of the bailors must be a 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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