

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.42830 of 2017

Arising Out of PS.Case No. -231 Year- 2017 Thana -DARBHANGA SADAR District-
DARBHANGA

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1. Sajan Das, S/o Late Mukhan Das, R/o Village- Shisho East P.S.- Sadar,
(Mabhi O.P.), District- Darbhanga.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shiva Shankar Sharma

For the Opposite Party/s : Mr. Sakir Ahmad

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

4 15-11-2017 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner seeks bail in connection with Sadar P.S.
Case No. 231 of 2017 for offences punishable under Section 302
of the Indian Penal Code.

The prosecution case, as lodged by the informant, is
that while she and her husband, Mukhan Das, sat for taking
dinner, the petitioner came home after drinking toddy and started
abusing and on protest, he started assaulting them. When they ran
into neighbor's courtyard, the petitioner followed them and he
assaulted his father on chest by danda who became un-conscious
and died.

It has been submitted by the learned counsel for the



petitioner that he is innocent, bears no criminal antecedent. Petitioner is the son of the informant and the deceased. He submits that the informant has later on filed an affidavit before the learned court below stating therein that the said case has been filed on misconception of fact, as her agnates asked her to level false allegation against her son and she has put her thumb impression on a plain sheet and got this false case instituted. It is further submitted that the deceased was an old man died a natural death and that no case under Section 302 IPC, is made out.

However, learned APP for the State opposes the prayer for bail.

Considering the facts and circumstances and the materials on record, let the petitioner, above named, 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 learned Chief Judicial Magistrate, Darbhanga, in connection with Sadar P.S. Case No. 231 of 2017 subject to the condition that one of the bailors would be a close relative of the petitioner having sufficient immovable property within the jurisdiction of the concerned police station, who will file an affidavit stating his relationship



with the petitioner and that petitioner will appear before the learned court below during trial as and when required and failure to appear on two consecutive dates without assigning any reason will entail cancellation of his bail bonds.

The petitioner will also appear before the concerned police station in the first week of every month and mark his attendance for six months.

(Nilu Agrawal, J)

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