

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.54297 of 2016

Arising Out of PS.Case No. -404 Year- 2013 Thana -NAWADA District- NAWADA

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Shankar Kumar, Son of Lakhan Prasad Yadav, Resident of Village- Mangar Bigha, P.S.- Nawada, District- Nawada.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sheo Kumar Prasad, Adv.

For the Opposite Party/s : Mr. Anish Chandra, APP

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR

JHA

ORAL ORDER

4 10-03-2017 Heard both sides.

The petitioner seeks bail in Nawada Town P.S. Case No. 404/2013, registered for the offences punishable under Section 307 and other sections of the Indian Penal Code. Later on, the police submitted charge-sheet under Section 304 and other sections of the Indian Penal Code.

The deceased Bhola Kumar made his statement, on the basis of which the present F.I.R. was lodged. The deceased alleged that on the allegation of eve-teasing a girl, some people caught him and assaulted him after tying him in an electric pole. The deceased did not disclose the name of any of the assailants.



Learned counsel for the petitioner submits that the sister of the deceased filed complaint case after two days of the occurrence. The complaint case was amalgamated with the present case and the police after three years of the occurrence took the statement of the sister, mother and father of the deceased. Sister, mother and father of the deceased stated in their statements that the petitioner assaulted Bhola Kumar and took him to the Doctor Suniti Kumar for treatment. Dr. Suniti Kumar referred Bhola Kumar to P.M.C.H. for better treatment, but petitioner and other accused persons took him to a private clinic where Bhola Kumar died. Thereafter, the accused persons cremated his dead-body on the bank of river Ganges.

It is submitted that the statement of the witnesses were recorded only after three years of the occurrence and during this period none has come to support the case of the prosecution. The Investigating Officer after investigation submitted charge-sheet under Section 304 and other sections of the Indian Penal Code.

Considering the facts aforesaid and the fact that, the petitioner and others surfaced in the case in the statement of sister, mother and father of the deceased but the statement is said to have been made after three years of the occurrence, 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 Chief Judicial Magistrate, Nawada in connection with Nawada Town P.S. Case No. 404/2013.

(Prabhat Kumar Jha, J.)

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