

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.9752 of 2017

Arising Out of PS.Case No. -72 Year- 2016 Thana -DHANGAI District- BHOJPUR

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1. Ajay Tiwary @ Ajay Kumar Tiwary, Son of Sachichidanand Tiwary,
Resident of Village- Shivpur (Marwar Tola), Police Station- Dhangai,
District- Bhojpur.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Gopal Govind Mishra

For the Opposite Party/s : Mr. Sri Yogendra Kumar

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CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR
MISHRA
ORAL ORDER

2 17-03-2017 Heard learned counsel for the petitioner and learned
A.P.P. representing the State.

The petitioner seeks bail in connection with Dhangai
P.S. Case No. 72 of 2016 registered under Sections 302 of the
Indian Penal Code.

The accusation is that on 15.12.2016 Yogesh Tiwary,
elder brother of the informant, has gone to receive wages at the
house of the petitioner and on the next day morning at about
4.00 A.M. local Chaukidar informed the informant that his
brother died and his dead body is kept at Jagdishpur Hospital
and then he went there and came to know that his brother was
assaulted by the petitioner and he was brought to hospital by



Dhandai police where he died during the course of treatment.

The learned counsel appearing on behalf of the petitioner submits that the informant is not an eye witness of the occurrence. He has only raised the suspicion about causing assault by this petitioner to his brother due to demand of wages. But in postmortem report no external injury was found on the person of the deceased. According to doctor cause of death is cardiac failure due to cold exposure. Further submission is that petitioner has no criminal antecedent and he is in custody since 17.12.2016.

Having regard to the facts and circumstances of the case, 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 the learned Judicial Magistrate, 1st Class, Ara (Bhojpur) in connection with Dhangai P.S. Case No. 72 of 2016 Out of the two sureties, one of the bailors must be close relative, who will file an affidavit giving genealogy as to how he/she is related with the petitioner. The bailors will undertake to furnish information to the court about any change in the address of the petitioner.

(Rajendra Kumar Mishra, J)

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