

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.32266 of 2017

Arising Out of PS.Case No. -215 Year- 2015 Thana -BIBHUTIPUR District- SAMASTIPUR

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1. Baidya Nath Sharma S/o Late Nandkishor Sharma Resident of Village -
Bibhutipur, P.S. - Bibhutipur, District - Samastipur.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Mritunjay Kumar

For the Opposite Party/s : Mr. Pancha Nand Pandit

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

4 18-08-2017 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner seeks bail in connection with Bibhutipur P.S.
Case No. 215/2015 for offences punishable under Sections 341,
323, 307, 302 of the Indian Penal Code although charge-sheet has
been submitted under Section 304 of the Indian Penal Code.

The prosecution case, as lodged by the informant, is
that there was an altercation between her step-son (petitioner) and
her husband Nand Kishore Sharma (deceased) on which the
petitioner assaulted her husband, resultantly, he died during course
of treatment.

It has been submitted by the learned counsel for the
petitioner that he is innocent, there was a property dispute between



the informant and the step-sons of the informant and no incident of such kind occurred and even the post mortem report does not speak of any internal or external injury but a bruise below the eye and the cause of death has been ascertained as chronic lung and liver disease resulting cardio-respiratory failure. He submits that charge-sheet has already been submitted, hence, there is no chance of tampering with the prosecution evidence and the deceased was a 70-75 year old man, who died a natural death. He further submits that a compromise has been reached between the parties as a petition has been filed before the learned court below.

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

Considering the facts and circumstances and the materials on record, let 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 Addl. Chief Judicial Magistrate, Rosera, Samastipur/successor court, in connection with Bibhutipur P.S. Case No. 215/2015.

(Nilu Agrawal, J)

Rajesh/-

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