

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.24323 of 2017

Arising Out of PS.Case No. -4 Year- 2017 Thana -MANIHARI District- KATIHAR

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1. Nepali Ravi Das Son of Rameshwar Ravidas, Resident of Village-
Dalaveer, P.S.- Manihari, District- Katihar.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bimal Kumar

For the Opposite Party/s : Mr. Sri Ram Bilash Roy Raman

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

3 30-06-2017 Heard learned counsel for the petitioner and learned Addl.
Public Prosecutor for the State.

The petitioner seeks bail in Manihari P.S. Case No. 04 of
2017 instituted for the offence under Sections-302, 201/34 of the
Indian Penal Code.

It is alleged in the written report that son of the informant
Rajesh Choudhary went to Mujbar Dalabirto sell Sindur, Bindi etc
on 1st January, 2017 and he did not return till 2-01-2017.
Thereafter, the informant on 03-01-2017 started searching him and
went to Dalvir where a lady was washing her utensil and some
youth were standing there. The informant showed the photograph
of his son and enquired about him. Then they identified his son
and disclosed that there was a quarrel between the son of the



informant and the petitioner along with unknown persons in the evening at 7.00 p.m. and thereafter, they assaulted him and his son went towards the Dalavir Jwar river and informant found one shoe of his son on the bank of the river on 04-01-2017 and also dead body was found on 05-01-2017 on the other side of the river in front of house of Sanjay Sah.

The CD has been received.

The learned APP has submitted that witnesses at paragraphs-7, 8 & 9 have stated that this petitioner with other accused persons assaulted the son of the informant and he ran away towards the river. The postmortem report is available in the case diary wherein the doctor has neither found injury on the dead body nor decomposition of dead body on the person of the deceased. The doctor preserved the viscera and cause of death was opined asphyxia. The doctor has stated that time elapsed since death 24 hours.

The counsel for petitioner submitted that from the postmortem report, the possibility of assaulting by this petitioner is not substantiated. The witnesses mentioned at paras-7, 8 & 9 are hear say witnesses. The petitioner is said to be in custody since 10-01-2017.

In such circumstances, prayer for bail is allowed. The



petitioner, named above is directed to be released on bail on furnishing bail bonds of Rs. 10,000/- with two sureties of the like amount each in connection with Manihari P.S. Case No. 04 of 2017 to the satisfaction of Smt. Swati Kumari Singh, learned Judicial Magistrate-Ist Class, Katihar subject to condition that both the bailors should be close relatives of the petitioner.

(Sanjay Priya, J)

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