

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.42527 of 2017

Arising Out of PS.Case No. -93 Year- 2017 Thana -SIRDALA District- NAWADA

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Sonu Kumar S/o Ramkrit Prasad, Resident of Village-Laund, P.S.-Sirdala,
District-Nawada.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bhaskar Shankar

For the Opposite Party/s : Mr. Sri Ahmad Ali

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

3 28-11-2017 Heard the counsels for the parties.

The petitioner seeks bail in connection with Sirdala
P.S. Case No. 93 of 2017 dated 11.05.2017 instituted for the
offences under Sections 302 and 34 of the Indian Penal Code.

From the averments made in the FIR itself, it would
appear that there was no intention of the petitioner to kill the
deceased who happens to be the grand-mother (Nani) of the
informant.

The informant Prahlad Kumar has alleged that some
persons of the village, viz. Mantu Kumar and the petitioner while
playing cards among themselves, fought over a mobile. Later, with
the intervention of the informant, the dispute was settled.
However, at about 01:30 P.M., on the same day while the
informant was going towards river side, the petitioner is alleged to



have confronted him and asked him as to why the chip of the mobile was not returned to him. For no apparent reason, the petitioner is alleged to have used a one kg. weight to hit the informant. Somehow or the other, the informant was saved but the grand-mother of the informant who had come to intercede between the parties, received injuries on her head leading to her death.

Mr. Krishna Prasad Singh, learned senior advocate submits that there could have been no intention of the petitioner to assault the deceased with whom he had no dispute. In fact, the petitioner did not have any dispute with the informant as well. The occurrence, if at all, has taken place, was in the heat of the moment and without there being any intention on the part of the petitioner to kill the deceased.

The petitioner is in custody since 02.08.2017.

Charge sheet in this case has already been submitted.

The petitioner does not have any criminal antecedent.

Taking into account the aforesaid facts, this Court is inclined to grant bail to the petitioner.

The petitioner above named is directed to be released on bail on his furnishing bail bond in the sum of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate, V,



Nawada in connection with Sirdala P.S. Case No. 93 of 2017.

(Ashutosh Kumar, J)

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