

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.25449 of 2018

Arising Out of PS.Case No. -243 Year- 2017 Thana -SHEOHAR District-
SHEOHAR

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Babul Pandey, S/o Satyendra Pandey @ Satyendra Narain
Pandey, R/o Vill.- Mananpur, P.S.- Govindganj, District-
East Champaran.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s :Mr. Vindhya Keshri Kumar, Sr. Adv.
Mr. Neeraj Kumar @ Sanidh, Adv.

For the State :Mr. Binod Kumar-3, APP

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

ORAL ORDER

3 17-05-2018 The petitioner seeks bail in connection with
Sheohar P.S. Case No. 243 of 2017, dated 31.12.2017,
instituted for the offences punishable under Sections 302,
324 and 307 of the Indian Penal Code.

The petitioner is said to have inflicted knife blows
on the informant, his brother, who died later in the hospital,
and one of the staff of the informant.

It has been alleged in the First Information
Report that while informant was present in his shop and his



brother (deceased) was operating from another shop, his brother shouted for help. When the informant went to the shop of his brother, he found that one person was inflicting knife injuries on his brother. When he went to the rescue of his brother, he too was hurled upon knife blows, leading to injuries of his person. One of the staff of the informant, who came to the place of occurrence, was also injured. Later, during the course of the treatment, the brother of the informant died.

Mr. Vindhya Keshri Kumar, learned Senior Advocate, appearing on behalf of the petitioner has submitted that there was no enmity and motive of the petitioner of killing the brother of the informant. In fact, the entries in the case diary reveal that the petitioner had gone to purchase a *sari* for his mother from the shop of the informant. Because of an unsavory and uncharitable remark made by the sales person, the petitioner got enraged and picked up a knife, which was lying in the shop, hurled blows on the deceased and two others who had come to the rescue of the deceased.

The petitioner was immediately arrested on the spot.

From the First Information Report as also from the investigation reports, it is absolutely clear that there was



no other intention except for committing the aforesaid occurrence in an enraged condition.

It has been submitted on behalf of the petitioner that assuming every allegation in the First Information Report to be true, the case would fall in the category of Section 304 Part-II of the Indian Penal Code, as there was no intention to cause any injury and the petitioner did not have any knowledge that because of such injuries, the deceased would die. The injury reports of the informant and his staff reveal that they have suffered simple injuries. Even the deceased has suffered one injury but on the temporal region.

The petitioner is in custody since 01.01.2018.

Regard being had to the fact that there was no intention on the part of the petitioner to cause the death of the deceased or injuries to the informant and the occurrence took place in a flash of temper, the petitioner, abovenamed, is directed to be released on bail on his furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Sheohar in connection with Sheohar P.S. Case No. 243 of 2017.

(Ashutosh Kumar, J)

Praveen-II/-

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