

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.57687 of 2018

Arising Out of PS.Case No. -158 Year- 2018 Thana -CHAPRA TOWN District- SARAN

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1. Birendra Sah @ Birendra Prasad, Son of Late Ram Lagan Sah, Resident of Mohalla- Karim Chak, Police Station- Chapra Town, District- Saran at Chapra.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Vipin Kumar Singh

For the Opposite Party/s : Mr. Sir Pawan Kumar Chaurasiya

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

3 05-11-2018 Heard learned counsel for the petitioner and the learned A.P.P. for the State.

The petitioner seeks bail in Chapra Town P.S. Case No. 158/2018, instituted for the offences under Sections 302/34 of the Indian Penal Code.

It is alleged in the written report that on the date of occurrence, father of informant after closing his shop was returning. When he reached government Bazar Machhalihatta, this petitioner along with other accused persons assaulted him with iron rod. It is further alleged that this petitioner and co-accused Manoj Kumar were trying to put Gamchha on the neck of father of informant. As soon as informant reached the place of occurrence, the accused persons fled away. Father of informant subsequently



died.

Post-mortem report of deceased is available in case diary, wherein doctor has found one swelling over the head and cause of death is crania cerebral damage caused by blunt force impact.

Learned counsel for the petitioner has submitted that in the written report it is alleged that six persons including the petitioner were assaulting the father of informant. But doctor has found only one injury in the post-mortem report over head.

Learned counsel for the informant has opposed the prayer of bail of the petitioner.

Considering the aforesaid fact and circumstances, prayer of the petitioner for grant of bail is allowed. Let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Saran at Chapra in connection with Chapra Town P.S. Case No. 158/2018, subject to the conditions that both the bailors shall be the close relative of the petitioner.

(Sanjay Priya, J.)

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