

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.14424 of 2018

Arising Out of PS. Case No.-39 Year-2017 Thana- BISHWAMBHARPUR District-

Gopalganj

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Surendra Yadav S/o Late Manager Yadav, R/o Village- Sipaya Khas, P.S.-
Bishambharpur, District- Gopalganj.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Harendra Prasad
For the Opposite Party/s : Mr. Sri Anil Kumar

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CORAM: HONOURABLE MR. JUSTICE S. KUMAR

ORAL ORDER

3 06-04-2018 Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner, who is in custody, seeks bail in
connection with Bishambharpur P.S. Case No. 39 of 2017
registered for the offence punishable under Section 302/34 of
the Indian Penal Code.

Informant is the father of the deceased, who, in his
fardbeyan has stated that on 20.04.2017 his only son Vishal
Kumar, aged about 12 years was playing near the house.
Meanwhile buffalo of the Surendra Yadav came there and he



went near the buffalo and thereafter buffalo started moving hither and thither, upon which Surendra Yadav and Sunrawati Devi called his son Vishal Kumar near their door and Surendra Yadav assaulted him by broom on his head and as such he became unconscious and he was taken to the hospital from where his son was referred to Gorakhpur Hospital. On 22.04.2018 he succumbed to his injuries and thereafter FIR was registered against the petitioner.

It has been submitted on behalf of the petitioner that he is innocent and has been falsely implicated in this case and he had not assaulted the deceased but the deceased was playing near buffalo and while he was sitting over the buffalo he accidentally fell and sustained head injury. From postmortem report there is no other injury, except the head injury which was caused of death of son of informant.

It has been submitted that petitioner has no criminal antecedent and it was an accidental death for which he is not responsible and he is in custody since 02.05.2017.

Considering the aforesaid facts and circumstances of the case, let the petitioner named above be released on bail upon furnishing bail bond of Rs. 10,000/- (ten thousand) with



two sureties of the like amount each to the satisfaction of
A.C.J.M. 10th, Gopalganj, in connection with Bishambharpur P.S.
Case No. 39 of 2017.

(S. Kumar, J)

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