

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.60784 of 2018

Arising Out of PS. Case No.-6 Year-2018 Thana- THAKRAHA District- West Champaran

DR. UDAY KUSHWAHA @ UDAY KUSHAWAHA @ DR. UDAI KUSHWAHA @ UDAI KUSHWAHA S/o Nathuni Kushwaha @ Nathuni Mahato, R/o Vill.- Gandhi Nagar, P.S.- Bagaha, District- West Champaran, at present R/o Rupahi, P.S.- Bhitaha O.P., District- West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Milind Kumar Mishra

For the Opposite Party/s : Mr. Sri Sanjay Kumar Singh

CORAM: HONOURABLE MR. JUSTICE S. KUMAR

ORAL ORDER

2 11-10-2018

Heard learned counsel for the parties.

Petitioner seeks bail in **Thakaraha (Bhitaha) P.S.**

Case No. 06 of 2018 registered for the offence punishable under Sections 147, 149, 341, 323 and 302 of the Indian Penal Code.

Informant in his written report has stated that on 09.01.2018 his son had gone to the Clinic of Dr. Uday Kushwaha after learning that he is misbehaving with his wife and thereafter FIR named accused assaulted him and he received grievous injury and during the course of treatment he died. He was handed over to police after assault.

It has been submitted on behalf of the petitioner that there is no specific allegation of assault against the petitioner. This case is counter blast of Thakaraha (Bhitaha) P.S. Case No.



05 of 2018. Petitioner has got no criminal antecedent and is in custody since 10.07.2018. In post mortem report Doctor found death as natural death. Police submitted Final Form as case to be not true.

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/- with two sureties of the like amount each to the satisfaction of learned **Additional Chief Judicial Magistrate, Bagaha, West Champaran**, in connection with **Thakaraha (Bhitaha) P.S. Case No. 06 of 2018**, with following conditions:-

(1) Bailors should be local having sufficient immovable property within the jurisdiction of the court concerned.

(2) Petitioner shall co-operate in the trial and shall be present on each and every date fixed by the court and his absence on two consecutive dates without proper and reasonable reason will be sufficient to cancel his bail bond.

(3) If the petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(S. Kumar, J)

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