

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.47393 of 2018

Arising Out of PS.Case No. -246 Year- 2017 Thana -TAJPUR District- SAMASTIPUR

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Kailash Roy, Son of Late Ramchandra Ray, Resident of Village- Harpur
Bhindi, P.S.- Tajpur, District- Samastipur.

.... Petitioner

Versus

The State of Bihar.

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Bhubneshwar Prasad, Advocate.

For the Opposite Party : Mr. Kalyan Shankar, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH

ORAL ORDER

3 18-09-2018 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner is languishing in custody since
25.08.2017 in a case for the offence registered under Section 302
of the IPC.

The prosecution story, in brief, is that Ram Chandra
Roy, father of the deceased, lodged U.D. Case bearing No.
01/2017 dated 25.03.2017 stating therein that during watering in
the field his son fell down causing head injury as a result of which,
he died. Thereafter on 21.08.2017, Priti Kumari, wife of the
deceased, gave an application before the officer-in-charge, Tajpur
Police Station bearing Station Diary No. 501/2017 dated
21.08.2017. On the basis of which, Assistant Sub Inspector,



Tajpur Police Station, recorded the statement of Priti Kumari in which she has stated that her *Bhaisur* Kailash Roy (petitioner) assaulted her husband with *Kudal* due to which, his head was fractured and due to bleeding, he died. Hence, the present case has been instituted.

It has been submitted by learned counsel for the petitioner that the petitioner has got no criminal antecedent. Charge sheet has been submitted in the present case. There is no allegation of tampering with the witnesses alleged against the petitioner. The petitioner has falsely been implicated in the present case. The date of occurrence is 25.03.2017 as to when the case has been instituted on 24.08.2017. Delay in instituting the case has not been explained by the prosecution. Prior to the present F.I.R., the father of the deceased had also instituted U.D. Case in respect of death of the deceased i.e., on 25.03.2017. In U.D. Case, it has been stated that the deceased is said to have died due to accidental death.

On behalf of the learned counsel for the State, it has been submitted that the petitioner is named in the F.I.R.

Considering the aforesaid facts and circumstances, let the petitioner above named, be released on bail on furnishing bail bonds of Rs.10,000/- (Ten Thousand) with two sureties of the like



amount each to the satisfaction of the learned Presiding Officer
IInd, F.T.C. Samastipur, in connection with Tajpur P.S. Case No.
246 of 2017, Sessions Trial No. 55/2018.

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(Sudhir Singh, J)

