

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3144 of 2019

Arising Out of PS. Case No.-299 Year-2018 Thana- BIKRAMGANJ District- Rohtas

Rajnish Kumar Yadav @ Rajani Kr. Yadav, S/o Shobh Nath Yadav, resident of village-Shivpur Diyar, Naibasti Bayasi, P.S- Dubha Dist- Baliya (U.P)

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ashok Kumar Pandey, Advocate
For the Opposite Party/s : Mr. Dr. Anshuman, APP

CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

3 28-02-2019 Heard learned counsel for the petitioner and the learned counsel appearing on behalf of the State.

The petitioner is in custody since 07.08.2018 in connection with Bikramganj P.S. Case No.299 of 2018 registered for the offence under Sections 302 and 120B of the Indian Penal Code.

Learned counsel for the petitioner submits that though the petitioner is not named in the FIR, there is no cogent material available to suggest that the petitioner was responsible for the death of the son of the informant. It is further submitted that even in the post-mortem report there is no material to indicate that the petitioner had any role to play as no injury has been found on the person of the deceased. Subsequently, a medical board has also constituted to ascertain



the cause of death. However, no evidence has come to suggest that there any external force was used on the deceased which led to his death. On the contrary, as per the case diary, it has been indicated that the petitioner had suffered respiratory failure on account of ventricular fibrillation or cardiac arrest.

Since, the final form has been submitted under Section 304 IPC, it is submitted by learned counsel for the petitioner that it is only on suspicion that the petitioner has been languishing in jail.

Having taken into consideration of the fact and circumstances and on consideration of the fact that the petitioner has a clean antecedent, let the petitioner, above named, be released on bail on his furnishing bail bond of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate, Bikramganj, Rohtas, in connection with Bikramganj P.S. Case No.299 of 2018.

(Anjana Mishra, J)

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