

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54182 of 2019

Arising Out of PS. Case No.-73 Year-2019 Thana- THAWE District- Gopalganj

=====

NABIJAN MIAN @ NABIJAAN MIYAN S/o Late Chhabila Miyan R/o
Village- Pandit Ke Harpur, P.S.- Thawe, District- Gopalganj

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s	:	Mr.Naresh Prasad
For the State	:	Mrs. Meena Singh
For the Informant	:	Mr. Zainul Abedin

=====

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

3 12-12-2019 Heard learned Counsel for the petitioner and the learned APP for the State as well as the Counsel for the informant.

The petitioner, who is in custody, seeks bail in a case registered under Section 304B of the Indian Penal Code in connection with Thawe PS Case No. 73 of 2019.

Petitioner's Counsel submits that the victim had in fact fell down from the roof top while she was speaking to someone on mobile phone. In view of such bonafide injury she had been properly treated at Gopalganj and thereafter at King George's Medical University, Lucknow.

The medical prescriptions in support of the treatment has been placed on record of the instant petition. From the admission slip at King George's Medical University, Lucknow it is apparent that when she was brought to the hospital, there was symptom of vomiting. It does not disclose that she was unconscious, still she has not made allegations against anyone.

Further submission is that in the investigation there is



material tyo show that during course of treatment, family of the victim had also contributed by sending money. The victim has allegedly fell down on 26.5.2019 whereas the FIR has been instituted as an afterthought on 29.5.2019.

In the facts and circumstances of the case, prayer for bail of the petitioner is allowed.

Let the petitioner above named be released on bail on his furnishing bail bonds of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of CJM Gopalganj in Thawe PS Case No. 73 of 2019 subject to the conditions:- (I) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner. (ii) That the petitioner will be well represented on each date in the trial and if he fails to do so on two consecutive dates, his bail will be liable to the cancelled.

(Madhuresh Prasad, J)

SNkumar/-

U		T	
---	--	---	--

