

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.37040 of 2018

Arising Out of PS. Case No.-299 Year-2017 Thana- NAUBATPUR District- Patna

Jyoti Kumar Rai @ Jyoti Kumar S/o Late Vijay Rai, R/o Dhobia Kalapur,
P.S.- Naubatpur, District- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Arvind Kumar Sharma
For the Opposite Party/s : Smt Renu Kumari

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

4 08-01-2019 Heard learned counsels for the parties.

The petitioner is apprehending arrest in a case registered for the offences punishable under Sections 302/34 of the IPC.

The prosecution case as per the written report of Ranjan Kumar dated 24.9.2017 submitted to the SHO, Naubatpur Police Station is to the effect that on the same day at 8 A.M. the petitioner and co-accused Bibhuti Kumar came to the shop of the informant and asked for biscuit on credit and on refusal, they abused and assaulted the father of the informant. They pierced lathi on the chest of the informant's father. It is further alleged that by the time the informant reached the shop, his father fell unconscious and while being taken to the hospital, the father of the informant died.

It is submitted by learned counsel for the petitioner that



the accusation is not being corroborated by the medical opinion as no injury was found on the dead body of the informant's father and viscera was preserved. The viscera report suggests that it neither contained pesticidal nor volatile poison.

Learned APP, after going through the case diary, submits that there is specific accusation of assault against the petitioner.

Considering the accusation of brutal assault not being corroborated with the medical opinion or forensic opinion, let the petitioner above named be released on anticipatory bail in the event of arrest or surrender within 12 weeks on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned ACJM- II, Danapur in connection with Naubatpur P.S. Case No.299 of 2017 subject to the conditions laid down in Section 438(2) of the Cr.P.C.

Let the FSL report be re-sealed and returned back.

(Dinesh Kumar Singh, J)

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