

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58049 of 2019

Arising Out of PS. Case No.-69 Year-2019 Thana- NARPATGANJ District- Araria

Mahesh Paswan, Son of Late Mahanthi Paswan, Resident of Village - Jimrahi,
P.S.- Narpatganj (Bathnaha O.P.), District- Araria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ramesh Kumar Singh

For the Opposite Party/s : Mr.Murli Dhar

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

4 02-12-2019 Since the postmortem report is available on the record, on the request of learned counsel for the parties the matter has been heard.

Heard learned counsel for the petitioner and learned APP for the State.

The petitioner in this case is seeking anticipatory bail in connection with Narpatganj (Bathnaha) P.S. Case No.69 of 2019 registered for the offences punishable under Sections 302/34 of the Indian Penal Code.

Learned counsel for the petitioner submits that in this case the FIR has been lodged on 02.02.2019 with respect to the alleged occurrence which took place on 31.01.2019 in which it is alleged that because of the assault given by this petitioner, the daughter of the informant died. It is submitted that the petitioner



in this case has been falsely implicated as the wife of this petitioner had earlier lodged a case against the informant's side on 09.10.2016 for the offences alleged under Sections 447, 341, 323, 354(B) IPC. In the said case the trial is pending. Referring to the postmortem report, learned counsel submits that when the doctors conducted the postmortem they did not find external injury on the body of the deceased and no internal injury has been pointed out by the doctors. It is submitted that in fact in the case diary also police has taken note of this fact and has taken a view that in view of the postmortem report presently case seems to be one under Section 304 I.P.C.

Learned APP for the State is present and has opposed the prayer for anticipatory bail of the petitioner.

Considering the facts and circumstances of the case, in view of the materials available on the record, this Court is of the considered opinion that instead of granting anticipatory bail to the petitioner, in case the petitioner surrenders in the court below within a period of six weeks from today and prays for regular bail, the court below is directed to consider the prayer for regular bail on the basis of the materials which have been collected so far in course of investigation particularly the postmortem report which does not indicate any external or



internal injury and taking into consideration all such materials
the court below shall pass an appropriate order on the bail
application of the petitioner in accordance with law.

This application stands disposed off accordingly.

(Rajeev Ranjan Prasad, J)

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