

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61223 of 2019

Arising Out of PS. Case No.-205 Year-2019 Thana- CHANDI District- Nalanda

Sukhdeo Prasad Son of Late Lokan Mahto Resident of Village - Chandi, P.S.-
Chandi, District- Nalanda

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pravin Kumar, Advocate

For the Opposite Party/s : Mr. Bharat Bhushan, A.P.P.

CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

2 06-11-2019 Heard learned counsel for the petitioner, learned
counsel appearing on behalf of the informant and learned
Additional Public Prosecutor for the State.

The petitioner seeks regular bail in connection with
Chandi P.S. Case No. 205 of 2019 for the offenses under
Sections 302/34 of the Indian Penal Code.

Learned counsel for the petitioner submits that the
entire case against the petitioner is false and fabricated and that
the informant, namely, Hira Prasad has stated in his *farde-bayan*
that when he came back from his *ata chakki* to his residence at
7:30 p.m., he found his wife Manju Devi, aged 55 years,
seriously injured and groaning. From a bare appearance it could
be seen that she had been subjected to severe beating and her
hands and feet were also fractured and she was bearing several
injury marks. The informant has further stated in his *farde-*



bayan that on being queried, his wife informed him that Sukhdeo Prasad (petitioner), Baleshar Gope, Yugeshar Gope had come and they have beaten her badly with lathi and rod resulting in such injuries. The informant then took his wife to Sidhi Vinayak Hospital, Mangala Asthan, Biharsharif for treatment where during the course of treatment she died.

It is further submitted in the FIR that the cause of death of his wife was due to his wife having been inflicted with severe *mar-peet* and the reason behind this occurrence was that the petitioner had been threatening the informant and his wife for leaving the house in which they were living.

Learned counsel for the petitioner submits that the aforementioned narration in the FIR does not match with the postmortem report. The postmortem of the victim lady was performed on 20.06.2019 at 7:30 a.m. itself and the Doctor has found injuries on her left side but has clearly stated that there is no other external injury apart from the bruise on the left side of the lower abdomen about 5" x 2", 2" x 2" dark black in colour. Bruise on the left side of the abdomen 6" x 2", 3" x 2" dark black in colour. Bruise on left thigh 2" x 1" with fracture of mid of femur of left thigh. It has also been narrated subsequently in the postmortem report that the head skull bone and brain-pale



are intact. The chest-ribs fractured on left side of chest 3rd x 4th. Lungs are ruptured on left side and all heart chambers are empty. The chest cavity filled with blood clot. The cause of death has been declared as hemorrhage shock caused due to above mentioned injuries.

Learned counsel for the petitioner submits that it appears that only on the left side of the lady, the aforementioned injuries have been found by the Doctor which is indicative of a fall on the left side whereas in FIR the narration is to the effect that she had been badly beaten up which could have been on any side of the body and not merely on the left side. He, thus, submits that possibly the lady might have fallen in *ata chakki* machine instead of having been badly beaten up as stated in the FIR. The postmortem report would not have indicated the injuries on only left side as has been narrated in the postmortem report. He, accordingly, submits that there is distinct cloud on the prosecution story and the version of the informant.

Learned counsel for the informant, however, vehemently opposed the prayer of the petitioner for grant of bail and submits that the petitioner has badly beaten the wife of the informant and it was on account of such injuries that the lady collapsed at Sidhi Vinayaka Hospital.



Learned counsel for the petitioner further submits that in the dairy it has come that the Doctor had referred the patient for further treatment whereas in the FIR it has been stated that the victim died in the hospital itself. Counsel for the petitioner further submits that even the driver of the vehicle which had carried the lady has submitted that he had picked up the victim at the *ata chakki* which also casts a cloud on the place of occurrence as indicated in the prosecution story.

Having heard learned counsel for the petitioner, learned counsel appearing for the informant and learned APP for the State, it appears to this Court that there is a distinct cloud on the prosecution story inasmuch as even the place of occurrence and injuries do not stand corroborated with the narration in the FIR. As such and in view of the above facts and circumstances, let the petitioner, above named, be enlarged on bail on 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 I, Hilsa (Nalanda), in connection with Chandi P.S. Case No. 205 of 2019, subject to the following conditions:

1. One of the bailors shall be blood relative of the petitioner.



2. The petitioner shall not indulge himself in any similar offence till conclusion of the trial.

3. The petitioner shall remain physically present in Court on each and every date during trial and in the event of his failure on two consecutive dates without sufficient reasons, his bail bonds shall be liable to be cancelled by the learned court concerned.

4. The petitioner shall cooperate with the investigation, if not already concluded, and make himself available as and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.

(Anjana Mishra, J)

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