

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69339 of 2019

Arising Out of PS. Case No.-49 Year-2014 Thana- RIVILGANJ District- Saran

BIRENDRA CHAUDHARY S/o Baliram Chaudhary R/o village- Naya Basti
Loa Tola, P.S.- Revelganj, District- Saran at Chhapra

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Yashraj Bardhan, Adv.

For the Opposite Party/s : Mr.Dilip Kumar No. 1, APP

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 27-11-2019 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner, being the husband of the victim, is languishing in custody since 11.02.2019 in a case registered for the offences punishable under Sections 328 and 302/34 of the Indian Penal Code.

Accusation is of assaulting the daughter of the informant, Laxmina Devi, after 14 years of marriage by in-laws people, including the petitioner, as a result she died on 22.05.2014.

It is submitted by learned counsel for the petitioner that no motive for assault has been alleged in the Fardbeyan. In fact, on the alleged date of occurrence, the petitioner petitioner was not present at the place of occurrence, rather he



was at Mangalore (Karnataka) for his livelihood. Moreover, the post-mortem reflects no external injury. However, the medical report issued by the PHC reflects some injuries. The investigation has already been concluded and above all the victim was provided medical assistance.

Learned APP for the State submits that there is specific accusation against the entire in-laws family members, including the petitioner.

Considering the fact that the accusation of assault is omnibus and general, informant not being an eye witness to the occurrence, investigation already being concluded and the accusation being not corroborated by the post-mortem, let the above named petitioner be released on bail, on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned ADJ-II, Saran at Chhapra, in connection with Revelganj P.S. Case No. 49 of 2014.

(Dinesh Kumar Singh, J)

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