

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67013 of 2019

Arising Out of PS. Case No.-121 Year-2019 Thana- DARAUNDA District- Siwan

1. Ritik Kumar, Son of Sanjay Singh, Resident of Village-Ramgarha, Police Station-Draunda, District-Siwan.
2. Sachin Kumar, Son of Sanjay Singh, Resident of Village-Ramgarha, Police Station-Draunda, District-Siwan.
3. Suraj Kumar @ Suraj Singh, Son of Madhav Singh, Resident of Village-Ramgarha, Police Station-Draunda, District-Siwan.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioners : Mr. Raghav Prasad, Advocate

For the Opposite Party : Mr. Sanjay Kumar Tiwary, APP

CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL ORDER

2 27-11-2019 Heard learned counsel for the petitioners, learned counsel for the State and learned counsel for the informant.

The petitioners seek pre-arrest bail in connection with Darounda P.S. Case No.121 of 2019 registered for the offence punishable under Sections 302 read with 34 of the Indian Penal Code.

It is contended by the learned counsel for the petitioners that though the alleged occurrence is said to have taken place on 8th of June, 2019, the fardbeyan of the informant was recorded on 14th June, 2019 at Sadar Hospital, Siwan whereafter the first information report was instituted on 15th June, 2019. It is further contended that though there is allegation that the petitioners mercilessly assaulted the son of the



informant as a result of which he sustained injuries, the autopsy report suggests that no external injury was found on his dead body and he had died due to chronic liver disease.

Learned counsel appearing for the informant and the State have vehemently opposed the prayer for grant of pre-arrest bail to the petitioners. They contended that the delay in institution of the first information report cannot be a ground for grant of pre-arrest bail in a case of 302 of the Indian Penal Code. They have further contended that the ocular allegation has to be given priority over the medical opinion of the doctor.

Having heard the parties on facts and in the circumstances of the case, in the event of arrest or surrender in the court below within a period of six weeks, the petitioners are directed to be released on bail on furnishing bail bond of Rs.10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate-1st Class, Siwan in connection with Darounda P.S. Case No.121 of 2019 subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Ashwani Kumar Singh, J.)

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