

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2903 of 2020

Arising Out of PS. Case No.-342 Year-2015 Thana- JAYNAGAR District- Madhubani

Bisheshwar Das @ Visheshwar Das, aged about 66 years, Gender – Male,
Son of Late Nandlal Das, Resident of Village - Dullipatti P.S.- Jainagar,
District - Madhubani.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Murari Narain Chaudhary

For the Opposite Party/s : Mr. Anand Mohan Prasad Mehta

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

3 20-03-2020 Heard Mr. Murari Narain Chaudhary, learned counsel
for the petitioner and learned Additional Public Prosecutor for
the State .

The petitioner seeks regular bail in connection with
Jainagar P.S. Case No. 342 of 2015 / G.R. No. 3364 of 2015
registered for the offence punishable under Sections 302/34 of
the Indian Penal Code, 1860.

The allegation against the petitioner is that the father
of the informant on the date of occurrence i.e. 23.12.2015 at
about 9.30 P.M. while had gone to attend the call of nature, was
surrounded by the petitioner and other accused persons, who
assaulted, and the petitioner caught hold the leg of the father of
the informant and the other accused persons assaulted him by
legs and fists, causing his death.

Mr. Murarai Narain Chaudhary, learned counsel
appearing for the petitioner submits that petitioner has falsely



been implicated in this case along with entire family members inasmuch as the occurrence had allegedly taken place on 23.12.2015, but the F.I.R. was lodged after a delay of three days on 26.12.2015 and that too after the post-mortem of the deceased was completed. Learned counsel further submits that from perusal of the allegations levelled in the First Information Report, the only allegation against the petitioner is that he caught hold the leg of the father of the informant. Learned counsel further submits that there is land dispute between the parties and Police after investigation has submitted charge-sheet under Section 304 / 34 of the I.P.C. against the accused persons. The petitioner is in custody since 20.10.2019.

Having heard learned counsel for the parties and taking into consideration the fact that no overt act has been alleged against the petitioner, there is land dispute between parties and there is delay in lodging the F.I.R., I am inclined to grant regular bail to the petitioner.

Accordingly, let the petitioner, above named, be released on regular bail on furnishing bail bond of Rs. 25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of learned Sub-Divisional Judicial Magistrate, Madhubani / Incharge Successor Court in connection with Jai



Nagar P.S. Case No. 342 of 2015 / G.R. No. 3364 of 2015.

(Anil Kumar Sinha, J)

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