

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5240 of 2020

Arising Out of PS. Case No.-2 Year-2019 Thana- THAKRAHA District- West Champaran

JITE SHARMA Son of Ramji Sharma Resident of Village - Pakahi, P.S.-
Thakaraha, District - West Champaran.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Krishna Prasad Singh, Sr. Advocate Mr. Ajay Kumar Pandey
For the Opposite Party/s :		Mr.Bharat Lal

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 04-02-2020 Heard learned counsel for the petitioner and learned
APP for the State.

The present application is the second application seeking bail in a case instituted for the offences under Sections 341, 323, 307, 504/34 of the Indian Penal Code in which Section 302 IPC was added later on. The earlier bail application of the petitioner was rejected with an observation 'at this stage'. In pursuance to the said observation, the present application has been filed.

The prosecution allegation, in short, is that the accused persons gave *khanti* blow on the head of the son-in-law of the informant due to which he sustained injury and later succumbed to the injury.



It has been submitted on behalf of the petitioner that the petitioner is in custody since 17.01.2019 and has got no criminal antecedent. There is no allegation of tampering of witnesses alleged against the petitioner. Charge-sheet has been submitted in the present case. A single *khanti* blow is alleged to have been given by the petitioner. No repetition has been made. At best, it is a case of Section 304 Part-II IPC. The death of the deceased is said to have taken place after 10 days of the alleged occurrence. The case was instituted for an offence under Section 307 IPC in which, later on, Section 302 IPC was added. There is no chance of trial being concluded in near future.

On behalf of the State, it is submitted that the petitioner is named in the F.I.R.

Considering the aforesaid facts and circumstances, it is directed that the petitioner, above named, be released on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned A.D.J.-1st Bagaha in connection with Thakaraha P.S. Case No. 2/2019.

(Sudhir Singh, J)

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