

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11136 of 2020

Arising Out of PS. Case No.-295 Year-2019 Thana- NAVINAGAR District- Aurangabad

VIKKY CHANDRAVANSHI, Son of Rajendra Chandravanshi, Resident of
Village - Tilhapur, P.S.- Nabinagar, District- Aurangabad

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 11141 of 2020

Arising Out of PS. Case No.-295 Year-2019 Thana- NAVINAGAR District- Aurangabad

1. NAGENDRA BAITHA @ NAGENDRA KUMAR, Son of Nagdeo Baitha,
Resident of Village - Shankarpur, P.S.- Nabinagar, Distt - Aurangabad.
2. Shakti Kumar @ Shakti Chandrawanshi, Son of Late Lallan Singh, Resident
of Village - Tilhapur, P.S.- Nabinagar, Distt - Aurangabad.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 11136 of 2020)

For the Petitioner/s : Mr.Krishna Chandra

For the Opposite Party/s : Mr.Binod Kumar

(In CRIMINAL MISCELLANEOUS No. 11141 of 2020)

For the Petitioner/s : Mr.Bhaskar Shankar

For the Opposite Party/s : Mr.Sanjay Kumar Tiwary

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

3 01-06-2020 Heard learned counsel for the petitioners and State.

The petitioners are in custody in connection with
Nabinagar P.S. Case No. 295 of 2019 for the offence under
Sections 302, 379/34 of the Indian Penal Code.

In Cr. Misc. No.11136 of 2020, learned counsel for
the petitioner submits that the incident took place on 13.10.2019
and according to the prosecution case, the deceased died on



18.10.2019 and thereafter cremation was done. The case was lodged on 25.10.2019 and after cremation, the dead body was sent for post-mortem examination, which was done on 26.10.2019. He further submits that the post-mortem report suggests that the time elapsed since death is 72 hours, which does not corroborate the occurrence i.e. the deceased died on 18.10.2019. Learned counsel for the petitioner further submits that the petitioner has got no criminal antecedent and he is in custody since 09.01.2020.

In Cr. Misc. No.11141 of 2020, learned counsel for the petitioners, referring to the statement of the widow recorded in para 56 of the case diary, submits that actually from the statement of the widow of the deceased, it appears that the deceased was never regained sense and, as such, there is story that the deceased disclosed the name of Nagendra Baitha and Shakti Chandrbanshi is most improbable. The petitioners are in custody since 24.01.2020.

Considering the fact that the F.I.R. was lodged 12 days after the alleged occurrence dated 13.10.2019 and the claim of the informant that the death was caused on 18.10.2019, which is not supported by the post-mortem report, the petitioners, named above, are directed to be released on bail on



furnishing bail bonds of Rs.25,000/- (Rupees twenty five thousand) each with two sureties of the like amount each to the satisfaction of **Chief Judicial Magistrate, Aurangabad / Additional Chief Judicial Magistrate-I, Aurangabad** in connection with Nabinagar P.S. Case No. 295 of 2019 with the condition that the petitioners on release will render their services as volunteer for a period of three months in dedicated Covid Hospital. They are required to report to the Nodal Officer in the concerned region, who shall utilize their services in this pandemic.

(Anil Kumar Upadhyay, J)

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