

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16232 of 2020

Arising Out of PS. Case No.-1 Year-2020 Thana- BHAGWANPUR District- Kaimur
(Bhabua)

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Naushad Alam Son of Late Lallan Mian Resident of Village - Ramgarh, Post
Office- Umapur, P.S.- Bhagwanpur, District - Kaimur (Bhabua).

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Rajesh Kumar Pathak
For the Opposite Party/s : Mr.Sanjay Kumar Singh

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

3 21-05-2020 Heard Mr. Rajesh Kumar Pathak, the learned counsel

for the petitioner, and Mr. Sanjay Kumar Singh, the learned

APP.

The petitioner seeks bail in SC/ ST Reg. No. 01/2020,
arising out of Bhagwanpur P.S. case No. 01/2020, registered
under Section 302/34 of the Indian Penal Code, u/s 3(2) (S) of
SC/ ST Act and u/s 37(i) (ii) of Bihar Prohibition & Excise Act,
2018.

The informant alleged that his father was standing at
his Darwaja. Gulzar Alam and petitioner came near his Darwaja
and began to abuse. When the father of the informant asked
them not to abuse, the accused persons caught his collar and put
him down on the ground. The accused persons are further



alleged to have assaulted the deceased with leg on his scrotum.
The deceased died on the spot.

The learned counsel for the petitioner submits that on the last date the case was adjourned to get the post mortem report. Mr. Rajesh Kumar Pathak, the learned counsel for the petitioner, submits that he has perused the post mortem report. The doctor did not find any external or internal injury on the body of the deceased. The deceased died of cardiac arrest on account of heart attack.

The learned APP, however, opposed the prayer for bail.

Perused the FIR.

It appears that petitioner and one another persons are alleged to have caught the collar of the deceased and put him down on the ground. They are alleged to have assaulted the deceased on his testicle but no external or internal injury was found. The learned counsel for the petitioner, after perusing the post mortem report, submits that no external or internal injury was found on the body of the deceased. The deceased died of cardiac arrest. The petitioner is in custody since 02.01.2020.

Considering the facts aforesaid and the nature of allegation made against the petitioner, the petitioner, above



named is directed to be enlarged on bail on his furnishing bail bond of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge-I-cum-Special Judge (SC/ST Act), Kaimur at Bhabua in connection with SC/ ST Reg. No. 01/2020, arising out of Bhagwanpur P.S. case No. 01/2020.

(Prabhat Kumar Jha, J)

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