

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18709 of 2020

Arising Out of PS. Case No.-258 Year-2019 Thana- BAHADURGANJ District- Kishanganj

1. Dilbar Alam @ Dilbar, son of Sabir Alam, resident of Village Jhingatola, Lat Tola, Ward No. 01, P.S. Bahadurganj, District Kishanganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Radha Mohan Singh
For the Opposite Party/s : Mr. Anil Kumar

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

4 11-09-2020 Heard learned Counsel for the petitioner and learned Additional Public Prosecutor for the State, through video conferencing.

The petitioner seeks regular bail in connection with Bahadurganj Police Station Case No. 258 of 2019, registered for the offence punishable under Sections 302/34 of the Indian Penal Code.

The allegation against the petitioner, as per the First Information Report, is that the petitioner along with other accused persons, 12 in numbers, assaulted the husband of the informant by fists and slaps and the petitioner assaulted the husband of the informant by means of helmet on his head.

Learned Counsel for the petitioner submits that the



petitioner has not committed any offence in the manner alleged and from perusal of the First Information Report, it would be evident that there was land dispute between the side of the petitioner and other accused persons. He further submits that in paragraph 20 of the case diary, finding of the doctor has been recorded and the doctor has not found any external injury on the person of the deceased and the cause of death has also not been disclosed by the doctor and viscera has been preserved. He further submits that in paragraph 46 of the case diary, the confessional statement of one Sagar Alam has been recorded by the police, who has stated that one boy was going from the wrong side and when the petitioner objected, the said boy started fighting with the petitioner, in the mean while, the deceased also intervened in the matter and there was scuffle between the petitioner and the deceased, due to which the deceased sat on the ground and asked for water. He further submits that the police, after completion of investigation, submitted charge sheet against the petitioner under Section 304 of the Indian Penal Code and not under Section 302 of the Indian Penal Code.

After having heard learned Counsel for the parties and taking into consideration the materials on record, I am inclined



to grant regular bail to the petitioner.

This application is allowed.

Accordingly, let the petitioner, above named, be released on bail, upon furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Kishanganj, in connection with Bahadurganj Police Station Case No. 258 of 2019.

It is made clear that at the time of furnishing bail bonds, all the parties shall follow the guidelines regarding lockdown and social distancing.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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