

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22490 of 2020

Arising Out of PS. Case No.-28 Year-2020 Thana- HAYAGHAT District- Darbhanga

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DHANIK SAH @ DHANIKLAL SAH S/o Late Ramkishun Sah Resident of
Village-Badki Manopur, P.S-Hayaghat, District-Darbhanga.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Sanjay Kumar @ S.K.

For the Opposite Party/s : Mr. Atul Chandra, APP

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 16-09-2020 Due to COVID-19 Pandemic, the matter is being taken
up by way of Virtual Court proceeding.

The matter has been listed under the heading ‘For Orders’
under the orders of Hon’ble the Chief Justice.

Learned counsel for the petitioner is directed to remove
the defects, as pointed out by the Office, within a period of four
weeks from the date of lifting of the lockdown in the State of Bihar.

Heard learned counsel for the petitioner and learned APP
for the State. A supplementary affidavit is filed on behalf of the
petitioner which is kept on record.

The petitioner seeks bail in a case instituted for the
offences under Sections 302/34 of the Indian Penal Code.

The prosecution case in short is that the accused persons
brutally assaulted the wife of the informant due to which she died.

It has been submitted on behalf of the petitioner that the



petitioner is in custody since 22.2.2020 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. The petitioner is alleged to be 70 years old man. As per the allegation, the deceased is said to have been assaulted by fists and slaps. No deadly weapon is said to have been used in the occurrence. General and omnibus allegation has been made against the petitioner. At best, it is a case for an offence under section 304 Part-II IPC. No offence under section 302 IPC is made out.

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.C.J.M. -IX, Darbhanga in connection with Hayaghat P.S. Case No. 28/20.

(Sudhir Singh, J)

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