

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26813 of 2020

Arising Out of PS. Case No.-36 Year-2014 Thana- AMAUR District- Purnia

MD. KANTU Son of Late Akbar Ali Resident of Village - Doria Tola Baluwa,
P.S.- Amaur, District - Purnea.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Md. Helal Ahmad

For the Opposite Party/s : None

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

2 19-10-2020 Heard learned counsel for the petitioner.

This application for grant of regular bail arises out of Amaur P.S. Case No. 36 of 2014, disclosing offences punishable under Sections 341,323,379,504,506/34 and 302 of the Indian Penal Code.

It is alleged in the First Information Report that the occurrence had taken place on 28.01.2014 when the informant had gone to see his crops sown by him over a piece of land belonging to him. Allegedly, the petitioner and other co-accused persons came there and started forcibly harvesting the crops. When the Informant attempted to stop them, the accused persons assaulted the informant variously whereafter he fell down because of injuries which he had sustained. It is the



further case of the prosecution that the accused persons had assured the informant to provide him money for his treatment but they failed to do so because of which the informant lodged the FIR on 18.02.2014. The informant died on 22.02.2014.

Learned counsel for the petitioner has submitted with reference to the statement made in paragraph 9 of the application that the informant was treated by a doctor on 29.01.2014 when the injury was found to be simple in nature caused by hard and blunt substance. It is submitted that the informant died of septicemia nearly one month after the alleged date of occurrence because of lack of treatment and, therefore, no offence under Section 302 of the Indian Penal Code can be said to be made out. The petitioner is in custody since 03.06.2014.

Considering the nature of accusation and the fact that the petitioner is in custody since 03.06.2014, this application is allowed.

Let the petitioner above-named be released on bail on furnishing bail bond of Rs. 10,000/-(ten thousand) with two sureties of the like amount each to the satisfaction of the learned 8th Additional Sessions Judge, Purnea in Sessions Trial Case No. 317 of 2015 arising out



of Amour P.S. Case No. 36 of 2014.

(Chakradhari Sharan Singh, J)

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