

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28547 of 2020

Arising Out of PS. Case No.-58 Year-2020 Thana- AMARPUR District- Banka

Krishna Poddar, Aged about 30 Yrs, (M), Son of Late Manohar Poddar,
Resident of Village - Lakhanpur, P.S. Tatarpur, District- Munger.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anshu Dhar Sharma

For the Opposite Party/s : Mr. Narsingh Tanti

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

3 22-12-2020 Heard Mr. Anshu Dhar Sharma, learned counsel for
the petitioner and Mr. Narsingh Tanti, learned counsel
appearing for the State through video conferencing.

Petitioner seeks regular bail in connection with
Amarpur P.S. Case No. 58 of 2020 registered for the offence
under Section 120 (B) / 302 / 328 / 34 of the I.P.C.

The allegation as per the First Information Report is
that on 22.01.2020 the husband of the informant arrived at his
residence and informed that he was having Picnic with Birendra
Singh and other accused persons including the petitioner and
others and told that all the accused persons had arranged Picnic
and after some time the husband of the informant became
serious and was brought to Amarpur Referral Hospital by car
and the doctor after examining him has declared the husband of



the informant as 'brought dead'.

Learned counsel for the petitioner submits that the petitioner has not committed any offence in the manner alleged and he has falsely been implicated in this case as an afterthought inasmuch as the occurrence has allegedly taken place on 22.01.2020 and the F.I.R. has been lodged after a delay of 04 days on 26.01.2020. Learned counsel further submits that post- mortem examination of the dead body was done on 23.01.2020 and after the post-mortem examination the present F.I.R. has been lodged by the informant on 26.01.2020. Learned counsel further submits no material has come against the petitioner to connect him with the present offence and the petitioner is in custody since 29.01.2020.

On the other hand, learned counsel for the State referring to the case diary submits that the cause of death has not been mentioned in the post-mortem report and opinion regarding the same is reserved awaiting viscera report.

Having regard to the submissions made by the parties and taking into consideration the materials available on record the fact that there is considerable delay in lodging the F.I.R., the F.I.R. has been lodged after the post-mortem examination and the petitioner is in custody since 29.01.2020 , I am inclined to



grant regular bail to the petitioner.

Accordingly, let the petitioner, above named, be released on regular bail on 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, Banka / court concerned in connection with Amarpur P.S. Case No. 58 of 2020.

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

(Anil Kumar Sinha, J)

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