

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25726 of 2020

Arising Out of PS. Case No.-753 Year-2019 Thana- MASAUDHI District- Patna

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Guddu Ram Son of Ravindra Ram @ Menhilar @ Ravindra Prasad R/o
Village- Ramachak, P.S.- Masaurhi, District- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Ramanath Kumar, Adv.
For the Opposite Party/s	:	Mr. Manoj Kumar, APP
For the Informant	:	Mr. Abhimanyu Deo, Adv.

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CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

4 14-12-2020 Heard learned counsel for the petitioner, learned

APP for the State and learned counsel for the informant through

video conferencing.

The instant application for regular bail has been
filed by the petitioner in connection with Masaudhi P.S. Case
No.753 of 2019 registered under sections 302, 307, 341, 323
and 504 of the Indian Penal Code.

As per allegation in the FIR, it is stated by the
informant that over a dispute relating to opening of a window in
the new construction between the brothers, the nephew of the
informant who is the petitioner herein assaulted the husband of
the informant as a result of which he fell down unconscious. He
was taken to the PMCH where he died in course of treatment.



It is submitted by learned counsel for the petitioner that from the F.I.R. itself it would transpire that the matter relates to a civil dispute in the family. It is further submitted that although the allegation in the F.I.R. is of assault by the petitioner on the husband of the informant, however, the same has been contradicted by the witnesses in course of investigation. There is unexplained delay in lodging of the F.I.R. The petitioner is in custody since 22.1.2020 and has no criminal antecedent.

The application for bail is opposed by learned APP for the State and the informant.

It is submitted by learned counsel for the informant that not only the petitioner is named in the F.I.R but there is allegation of specific overt act against him leading to the husband of the informant falling down unconscious and his subsequent death, soon thereafter. With respect to the delay it is submitted that it has been stated in the F.I.R. that the husband of the petitioner was taken for treatment to the PMCH and fardbeyan was recorded in the emergency ward of the PMCH itself. Thus there is no delay. It is further submitted that the postmortem report supports the allegations against the petitioner.



Having heard learned counsel for the parties and taking into consideration the facts and circumstances of the case, the nature of allegations, the material that has transpired in course of investigation and the period in custody, this Court is inclined to enlarge the petitioner on bail. The petitioner is directed to be enlarged on bail in connection with Masaudhi P.S. Case No.753 of 2019 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 Sub Divisional Judicial Magistrate, Masaudhi.

(Partha Sarthy, J)

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