

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63317 of 2019

Arising Out of PS. Case No.-174 Year-2019 Thana- TRIVENIGANJ District- Supaul

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AJAY KUMAR SWARNKAR @ AJAY SWARNKAR, aged about 45 years,
Male, Son of Sahdeo Swarnkar Resident of Village - Lalpath, P.S. -
Triveniganj, District - Supaul

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Vijay Kumar, Adv.

For the Opposite Party/s : Mr.Ram Naresh Ray, APP

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**CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR
MISHRA**

ORAL ORDER

6 22-01-2020 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the state.

The petitioner seeks bail in connection with
Triveniganj P.S. Case No. 174 of 2019, registered under
Sections 341, 323, 324, 307/34 and 302 of the Indian Penal
Code.

The accusation is that the house of Ajay Swarnkar is
situated near the house of the informant, Mahavir Mehta, who
constructing the temple of Goddess Kali and use to worship. On
24.05.2019, Deep Narain Mehta, son of the informant was
present at his door and talking with some other person, Ajay
Swarnkar was engaged in worship of Kali, he came near his son
with sword in hand and tried to cause injury to his son, but Deep



Narain Mehta caught his both hand and scuffle started in which Deep Narain Mehta fell down, then, Ajay Swarnkar sat on the chest of Deep Narain Mehta and started assaulting him with leg and hand and also tried to press his neck. Sahdeo Swarnkar, the brother of Ajay Swarnkar, said that Ajay Swarnkar is under the control of Goddess Kali. In the meantime, brother-in-law of the informant reached there and pacified the dispute. Panchayati was arranged in the village in which it was decided that Ajay Swarnkar will give money of treatment and no legal step has been taken against him. On 25.04.2019 the condition of Deep Narain Mehta got deteriorated, but, Ajay Swarnkar refused to give the money for treatment and Deep Narain Mehta was referred to Purnia.

Learned counsel appearing on behalf of the petitioner submits that initially the case was instituted under Sections 341, 323, 324, 307/34 of the Indian Penal Code, but, after the death of Deep Narain Mehta, Section 302 of the Indian Penal Code has been added later on. Further, submission is that while occurrence is said to be of 24.05.2019, but, the present first information report has been lodged on 18.06.2019. Further, submission is that in post mortem report no external injury, either bruise or abrasion, was found. The police on



investigation has already submitted the charge sheet and the petitioner is in custody since 17.08.2019.

Having regard to the facts and circumstances of the case, let the petitioner, above named be released on bail on furnishing bail bond of Rs.10,000/- (rupees ten thousand) with two sureties of the like amount each in connection with Triveniganj P.S. Case No. 174 of 2019 to the satisfaction of the Chief Judicial Magistrate, Supaul.

(Rajendra Kumar Mishra, J)

Shamshad/-

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