

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.87257 of 2019

Arising Out of PS. Case No.-260 Year-2017 Thana- GOPALGANJ TOWN District-
Gopalganj

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NAEM MIAN @ NAEM ANSARI @ NAIM ANSARI @ NAIM MIYAN
Son of Id Mohammad Resident of Village - Bhitbherwan, P.S.- Gopalganj
Town, District - Gopalganj.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Prashant Kumar

For the Opposite Party/s : Dr. Indihar Kumari

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 04-03-2020 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner seeks bail in Gopalganj P.S. case
No.260 of 2017 registered under Sections 302/34 of the Indian
Penal Code, pending in the court of Additional Sessions Judge-
1, Gopalganj.

The earlier bail application of the petitioner was
rejected vide Annexure 1 series to the present application taking
into account that the petitioner is alleged to have assaulted the
deceased on his head and chest.

A report was called for from the trial court. From
perusal of the report, it appears that the trial is not going to
conclude in near future.



It has been submitted on behalf of the petitioner that the petitioner is in custody since 21.02.2018 and has got no criminal antecedent. There is no allegation of tampering of witnesses alleged against the petitioner. The petitioner has falsely been implicated in the present case. From perusal of the postmortem report, it would appear that there is no external injury on the face and the chest of the deceased. The postmortem report does not support the allegations made in the F.I.R. The cause of death of the deceased could not be ascertained. Hence the viscera report was preserved. The case of the prosecution is specific that that death is due to assault but the same is not supported by the postmortem report. The trial is also not likely to be concluded in near future.

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 Additional Sessions Judge-1, Gopalganj in connection with Gopalganj P.S. case No.260 of 2017.

Narendra/-

(Sudhir Singh, J)

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