

IN THE HIGH COURT OF JUDICATURE AT PATNA

CRIMINAL MISCELLANEOUS No.3253 of 2020

Arising Out of PS. Case No.-643 Year-2019 Thana- KHAJANCHI HAT District- Purnia

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Bittu Kumar @ Bitthu Kumar S/o Rakesh Sah @ Rakesh Kumar Sah R/o
village- Murgi Firm, P.S.- Maranga, District- Purnea

Versus

The State of Bihar

.....Opposite Party

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Appearance

For the Petitioner : Mr. Sharda Nand Mishra, Adv.

For the State : Ms. Anita Kumari, APP.

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CORAM : HONOURABLE MR. JUSTICE PARTHA SARTHY

Oral Order

4 27.05.2020

Heard learned counsel for the petitioner and learned APP for the State,
through video conferencing.

The petitioner who is in custody since 2.9.2019 has filed the instant
application for grant of regular bail in connection with K Hat (Maranga) P.S.
Case no. 643 of 2019 registered under sections 307, 341, 323, 324, 504 and
34 of the Indian Penal Code.

As per allegation in the FIR, over a dispute of flow of water from the
house of Asha Devi, on the elder brother of the informant protesting as to why
water flows in their direction, it is stated that the petitioner started to abuse
and struck with a knife on the waist of the informant's brother hitting him on



the side of the stomach as a result of which the informant's brother was injured and taken for treatment to Sadar Hospital, Purnea.

It is submitted by learned counsel for the petitioner that in course of treatment the brother of the informant died and section 302 of the Indian Penal Code was added subsequently. It is further submitted that the allegation as levelled in the FIR is false and concocted. The petitioner has been falsely implicated due to land dispute. It is further submitted that even accepting the allegations for the sake of argument, death is stated to have taken place more than one and half months later when the petitioner was returning home after treatment and the cause is stated to be septicaemia shock. It is further submitted that the investigation had concluded and the petitioner who has no criminal antecedent is in custody since 2.9.2019.

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

Having heard learned counsel for the parties and taking into consideration the facts and circumstances of the case including the fact that the petitioner being in custody since 2.9.2019, the nature of allegation in the FIR together with the cause of death stated in the postmortem report, the Court is inclined to enlarge the petitioner on bail. The petitioner is directed to be enlarged on bail in connection with K Hat (Maranga) P.S. Case no. 643 of 2019 on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Purnea.

(Partha Sarthy, J)

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