

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14204 of 2021**

Arising Out of PS. Case No.-95 Year-2020 Thana- RAMGARH District- Kaimur (Bhabua)

SURENDRA MUSAHAR, S/O Rogi Musahar Resident of Village - Pratap
Pur Musahari Badda, P.S. - Nuaon, District - Kaimur at Bhabua.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ravi Prakash, Advocate

For the Opposite Party/s : Mr. Ajai Kumar Jha, APP

**CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER**

3 31-08-2021 Heard learned counsel for the parties through video conferencing.

The petitioner has preferred this application for grant of regular bail in a case registered under section 302 of the Indian Penal Code and section 37(ii) of the Bihar Prohibition and Excise Act, 2016.

As per allegation in the FIR, the daughter of the informant died as a result of being beaten up by her husband, the petitioner herein who was in an intoxicated state.

It is submitted by learned counsel for the petitioner that the petitioner has been falsely implicated in the case. The manner of occurrence is other than what has been narrated in the FIR. It is submitted that accepting the allegation in the FIR for the sake of argument, the petitioner is stated to be an intoxicated



state and it is further stated in the FIR itself that it was the petitioner who took his wife for treatment to the hospital where unfortunately she died in course of treatment. The petitioner has remained in custody since 8.5.2020, investigation in the case has concluded and has no criminal antecedent.

Heard learned APP for the State.

Having heard learned counsel for the parties and taking into consideration the submissions made on behalf of the petitioner together with the petitioner having remained in custody for over 1 year 3 months, the petitioner is directed to be enlarged on bail in connection with Special Case no. 315 of 2020 (arising out of Ramgarh (Nuoan) P.S. Case no. 95 of 2020) on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Special Judge, Excise, Kaimur at Bhabhua.

(Partha Sarthy, J)

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