

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14140 of 2021**

Arising Out of PS. Case No.-858 Year-2019 Thana- SARAIYA District- Muzaffarpur

RAJ KISHORE SAH SON OF JAGARNATH SAH R/o village- Bakhara,
P.S.- Saraiya, Distt.- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Manish Kumar-XIII.

For the Opposite Party/s : Mr. Sanjay Kumar Sharma, APP

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

2 16-07-2021

Heard learned counsel for the petitioner and learned Additional Public Prosecutor for the State through video conferencing.

The petitioner has filed the instant application for grant of regular bail in connection with Saraiya P.S. Case no. 858 of 2019 registered under sections 302 and 34 of the Indian Penal Code.

As per allegation in the FIR, it is stated by the informant that while he was selling *chhola-bhatura* in front of his house, the accused persons started to abuse him and asked him not to sell. On the informant going to his house, it is stated that the accused persons followed him there and once again started to abuse. During the altercation, it is stated that the father of the informant came out. He was pushed by the petitioner



herein as a result of which he fell down at the door, sustained injuries in his head and subsequently died.

It is submitted by learned counsel for the petitioner that the allegations as leveled in the FIR are false and concocted. Even accepting the allegations made in the FIR, for the sake of argument, it is submitted that there was no intention to commit murder and it was purely an accidental death which would be evident from the contents of the post-mortem report which has been referred to by the learned Court below in the order rejecting the application for bail of the petitioner. No offence under section 302 of the IPC is made out against the petitioner who is in custody since 12.10.2020. He has no criminal antecedent and investigation in the case has concluded.

The application for bail is opposed by learned Additional Public Prosecutor for the State.

Having heard learned counsel for the parties and taking into consideration the allegations against the petitioner in the FIR together with the petitioner having remained in custody since 12.10.2020 and investigation in the case having concluded, the Court is inclined to enlarge the petitioner on bail. The petitioner is directed to be enlarged on bail in connection with Saraiya P.S. Case no. 858 of 2019 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 Chief Judicial
Magistrate, Muzaffarpur.

(Partha Sarthy, J)

Prakash/-

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