

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31425 of 2021**

Arising Out of PS. Case No.-103 Year-2020 Thana- BAGENGOLA District- Buxar

MUTUR CHOUDHARY @ OM PRAKASH CHOUDHARY S/O BIHARI
CHOUDHARY R/o village- Akrasi, P.S.- Bagen Gola, District- Buxar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Arun Kumar Gupta, Advocate

For the Opposite Party/s : Mr. Nawal Kishore Prasad, A.P.P.

**CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER**

3 20-12-2021 Heard Mr. Arun Kumar Gupta, learned counsel for
the petitioner and Mr. Nawal Kishore Prasad, learned Additional
Public Prosecutor appearing for the State.

Petitioner seeks regular bail in connection with Bagen
Gola P.S. Case No. 103 of 2020 registered for the offence
punishable under Section 304 of the Indian Penal Code 1860
and subsequently, Section 302 of the Indian Penal Code was
added.

The allegation against the petitioner as per the First
Information Report is that he allegedly assaulted the mother of
the informant by means of fist and slap, due to which, she died.

Learned counsel for the petitioner submits that earlier
a First Information Report was lodged under Section 304 of the
Indian Penal Code, but subsequently, charge sheet has been



submitted under Section 302 of the Indian Penal Code. Learned counsel further submits that the intention of the petitioner was not to cause the death of mother of the informant, and only a slap was given to the victim by the petitioner and she died on the spot. Learned counsel also submits that the petitioner is in custody since 30.11.2020 and he has got no criminal antecedent. He next submits that the charge sheet has already been submitted and there is no likelihood that the petitioner will abscond or tamper with the evidence.

Regards being had to the submission made by the parties and taking into consideration the materials on record, the fact that the petitioner is in custody since 30.11.2020 having no criminal antecedent, charge sheet has already been submitted and there is no likelihood that the petitioner will abscond or tamper with the evidence, I am inclined to grant regular bail to the petitioner.

Accordingly, let the petitioner, above named, be released on regular bail on furnishing bail bonds of Rs.20,000/- (Twenty thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Buxar, in connection with Bagen Gola P.S. Case No. 103 of 2020.

It is made clear that at the time of furnishing bail



bonds all the parties shall follow the guidelines regarding social distancing.

(Anil Kumar Sinha, J)

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