

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34734 of 2020

Arising Out of PS. Case No.-291 Year-2019 Thana- NAWADA MUFFASIL District- Nawada

GORELAL CHAUHAN Son of Late Shiv Chauhan Resident of Village -
Sajal Bigha, P.S. Mufassil (Nawada Mufassil), District - Nawada.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Prem Ranjan Kumar, Advocate

For the Opposite Party/s : Mr. Pramod Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY

ORAL ORDER

5 05-10-2021

Heard learned counsel for the parties.

The petitioner has preferred this application for grant of regular bail in a case registered under section 302 of the Indian Penal Code.

As per the prosecution case, it is stated by the informant that over a domestic dispute, his uncle, the petitioner herein started to abuse and assault his father as a result of which his father fell down unconscious and subsequently died.

It is submitted by learned counsel for the petitioner that from perusal of the FIR itself it would transpire that the dispute was one of domestic nature between two brothers and there was no intention on part of the petitioner to commit murder of the deceased. It is further submitted that the contents of the postmortem report are not consistent as there is no mention in the FIR regarding use of weapon. The petitioner is



in custody since 18.12.2019 and charge sheet has been submitted in the case. He undertakes to cooperate in the case/trial.

Application for bail is opposed by learned counsel for the State and learned counsel for the informant. It is submitted by learned counsel for the informant that not only the petitioner is named in the FIR but is the sole assailant leading to the death of the deceased. It is further submitted that the postmortem report clearly states that the cause of death is the injury caused on the deceased as a result of hard and blunt substance. Thus, it is not a case for grant of bail.

Having heard learned counsel for the parties and taking into consideration the facts of the case together with the period in custody, the Court directs the petitioner to be enlarged on bail in connection with Nawada (Mufassil) P.S. Case no. 291 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, Nawada.

(Partha Sarthy, J)

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