

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33323 of 2020**

Arising Out of PS. Case No.-208 Year-2019 Thana- SIWAN CITY District- Siwan

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Pappu Gupta @ Kumar Rajesh @ Rajesh Kumar, Son of Late Sukhdev Prasad, Resident of Village - Jay Prakash Nagar, Siwan, P.S. Siwan Town, District - Siwan.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ramadhar Shekhar, Advocate.

For the Opposite Party/s : Mr. Jitendra Kumar Singh, APP

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**CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR
MISHRA**

ORAL ORDER

2 09-03-2021 As prayed for, let the learned counsel appearing for the petitioner remove the defect(s), as pointed out by the office, within four weeks of starting of the Court proceeding in physical mode in normal course.

Heard learned counsel for the petitioner and the learned A.P.P. for the State.

The petitioner apprehends his arrest in connection with Siwan Town P.S. Case No. 208 of 2019, registered under Section 302/34 of the Indian Penal Code.

The accusation is that before one month of 21.02.2019, Hridaya Yadav, husband of the informant, Biriya Devi, was present at the shop of Bablu Gupta in the name of Hari Om Steel. At that time, Pappu Gupta (petitioner), whose



shop is situated nearby the shop of Bablu Gupta, asked her husband for doing some work but her husband refused and also made demand for due wages regarding the work done earlier then Pappu Gupta (petitioner) and his staff started to abuse her husband and Pappu Gupta (petitioner) gave iron rod blow at the head of her husband, who become unconscious. Thereafter, the people, who was working in Loha Mandi, took her husband at Sadar Hospital, Siwan, and after discharge, he was taken to BRD Medical College, Gorakhpur for better treatment and after treatment, her husband was returned to his house. On 22.03.2019, her husband again become serious and he was rushed for treatment at Sadar Hospital, Sadar, but he died.

Learned counsel for the petitioner submits that it would appear from the FIR that while the occurrence is said to be taken on 21.02.2019 but the present case has been lodged after one month after returning of her husband from hospital at the house and her husband was again rushed at the hospital for treatment. Further submission is that informant is not the eye witness of the occurrence and at the instigation of some unsocial element, she lodged the present case but after realizing the mistake, informant has filed an application before the court of Chief Judicial Magistrate, Siwan on 03.12.2019, in which, she



has stated that she has filed the case on wrong information. Further submission is that it would appear from the medical prescription dated 21.02.2019 of Sadar Hospital, Siwan, that the husband of the informant was admitted for treatment on 21.02.2019, on which, RTA (Road Transport Accident) is detailed.

Having regard to the facts and circumstances of the case, let the above named petitioner be released on bail, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, 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, Siwan, in connection with Siwan Town P.S. Case No. 208 of 2019, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

(Rajendra Kumar Mishra, J)

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