

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34000 of 2020**

Arising Out of PS. Case No.-112 Year-2020 Thana- KUCHAIKOTE District- Gopalganj

Dhan Singh Son of Ram Das Singh Resident of Village-Jalalpur, P.S.-
Kuchaikote, District-Gopalganj.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Ravindra Kumar
	:	Mr.Ramanuj (AOR 5681)
For the Opposite Party/s	:	Mr.Umesh Lal Verma (APP)

**CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN
SINGH**

ORAL ORDER

3 27-01-2021 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor appearing on behalf of the State.

This application for grant of regular bail arises out of
Kuchaikote P.S. Case No. 112 of 2020 registered for the
offences punishable under Sections 302/34 of the Indian Penal
Code.

The brother of the deceased is the informant, who
has alleged in his written report that the deceased had taken
loan of a sum of Rs. 300/- from the petitioner and had given
his mobile as security. When he repaid the said amount of Rs.
300/- and asked for return of the mobile phone, the petitioner
allegedly refused to return the same. It is further alleged that



that the petitioner and other co-accused persons assaulted the deceased with fists and slaps causing grievous injuries. The deceased was thereafter taken to hospital but on way to the hospital he succumbed to the injuries.

Learned counsel appearing on behalf of the petitioner referring to the First Information Report has submitted that the informant is apparently not the eyewitness nor has he disclosed his source of the information about the manner of occurrence. He has submitted that the F.I.R. was registered after the doctor had the occasion to see the dead body of the deceased and, according to him, the prosecution's case which has been developed in the F.I.R. accordingly is an afterthought. He has also argued that even if the case of the prosecution is treated to be correct, the allegation is of assault with fists and slaps, which shows that in any event there was no intention to kill.

Considering the background in which the occurrence is said to have taken place and the fact that the petitioner is in custody since 05.06.2020, this application is allowed.

Let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with



two sureties of the like amount each to the satisfaction of the
learned A.C.J.M.-VII, Gopalganj in Kuchaikote P.S. Case No.
112 of 2020.

AKASH/-

(Chakradhari Sharan Singh, J)

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