

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35281 of 2020

Arising Out of PS. Case No.-159 Year-2020 Thana- MOHANIYA District- Kaimur (Bhabua)

Govind Singh S/o Late Hardeo Singh R/o Village- Deokali, P.S.- Mohania,
District- Kaimur at Bhabhua.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mrs. Bandana Singh, Advocate
For the informant	:	Mr. Ramchandra Singh, Advocate
For the State	:	Mr. Matloob Rab, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

3 01-02-2021 Heard Mrs. Bandana Singh, learned counsel for the petitioner, Mr. Ramchandra Singh, learned counsel for the informant and Mr. Matloob Rab, learned Additional Public Prosecutor appearing for the State.

Petitioner seeks regular bail in connection with Mohania P.S. Case No. 159 of 2020 registered for the offence punishable under Section 302/34 of the Indian Penal Code 1860.

The allegation as per the First Information Report is that the petitioner along with other co-accused persons assaulted the father of the informant. It has further been alleged that the petitioner rode on the chest of the informant's father, due to which he died.

Learned counsel for the petitioner submits that the



petitioner has not committed any offence in the manner alleged and the deceased has died due to cardiac arrest. Learned counsel further submits that the petitioner is first cousin brother of the deceased and there is land dispute between the parties, due to which, he along with other family members have been made accused in this case. Learned counsel also submits that from perusal of the postmortem of the deceased, it would be evident that deceased has died due to cardiac arrest and there is no sign of any injury on the body of the deceased. Learned counsel next submits that the postmortem was done on 27.05.2020 and the present First Information Report has been lodged on 28.05.2020 i.e. after completion of postmortem of the deceased.

On the other hand, learned counsel for the informant vehemently opposed the prayer for bail and submits that there is direct allegation against the petitioner in the First Information Report inasmuch as he sat on the chest of the deceased, due to which, he died.

Having regard to the submissions made by the parties and taking into consideration the materials on record and the fact that both the parties are co-sharers and there is land dispute between them and further the First Information Report has been lodged after the postmortem of the deceased, 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.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Kaimur at Bhabhua, in connection with Mohania P.S. Case No. 159 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)

S.Ali/-

U		T	
---	--	---	--

