

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36757 of 2020

Arising Out of PS. Case No.-439 Year-2020 Thana- BHABHUA District- Kaimur (Bhabua)

1. Ramgahan Gond, Son of Late Sita Gond Resident of village- Kukuradh, P.s.- Sonhan, District- Kaimur at Bhabua.
2. Brajesh Gond, Son of Ramgahan Gond Resident of village- Kukuradh, P.s.- Sonhan, District- Kaimur at Bhabua

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rajani Kant Pandey

For the Opposite Party/s : Mr.APP

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

2 01-02-2021 Heard Mr. Deepak Kumar, learned counsel for the petitioners; Mr. Tribhuwan Narayan, learned counsel for the informant / Opposite Party No. 2; and Mr. Surendra Kumar, learned APP for the State.

The petitioners seek bail in connection with Bhabua (Sonhan) P. S. Case No. 439 of 2020 dated 10.07.2020, instituted for offences under Sections 302 and 34 of the Indian Penal Code.

A dispute is said to have taken place between the parties with respect to sowing of crops. The petitioners are alleged to have given a push from behind



on the neck of the deceased and also pressed his neck, leading to his death.

The learned counsel for the petitioners however has submitted that the accusation is absolutely wrong and is inconsistent with the post-mortem report. The post-mortem report which has been annexed indicates that death was caused because of sudden cardiac arrest and the reason for the same could not be ascertained. No injury was found on the body of the deceased.

Apart from this, by way of supplementary affidavit, it has been brought on record that after investigation, the police submitted report sending up the petitioner under Section 304 A and 34 of the Indian Penal Code.

The prayer for grant of bail has been opposed by Mr. Tribhuan Narayan, learned Advocate by stating that the petitioners, for all practical purposes, can be said to be the persons who have killed the deceased.

Regard being had to the afore-stated facts,



namely the death of the deceased having been occasioned by cardiac failure and finding of no external injury on the person of the deceased, the petitioners, above-named, are directed to be released on bail on their furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Kaimur at Bhabhua, in connection with Bhabua (Sonhan) P. S. Case No. 439 of 2020 .

The petition stands allowed.

While saying so the Court has also taken note of the period of custody of the petitioners which is from 11.07.2020.

(Ashutosh Kumar, J)

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