

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40973 of 2020

Arising Out of PS. Case No.-190 Year-2020 Thana- CHAINPUR District- Kaimur (Bhabua)

LALLAN MALLAH SON OF BHAGELU MALLAH RESIDENT OF
VILLAGE- SEMARIYA , P.S.- CHAINPUR, DISTRICT- KAIMUR AT
BHABUA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Tribhuwan Narayan, Advocate

For the Opposite Party/s : Mr. Amitesh Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

3 17-03-2021 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

The petitioner has filed the instant application for grant of regular bail in connection with Chainpur P.S. Case no. 190 of 2020 registered under sections 302 and 34 of the Indian Penal Code.

As per allegation in the first information report, the accused persons including the petitioner herein are stated to have brutally assaulted the father of the informant with *lathi*, *danda*, stone etc. as a result of which he sustained serious injuries. It is further stated that the informant took her father to Benares for better treatment where he died in course of treatment on 14.6.2020 and, thereafter, the first information



report has been lodged on 18.6.2020.

It is submitted by learned counsel for the petitioner that the allegations as levelled in the first information report are false and incorrect. The petitioner happens to be the own brother of the deceased and has been falsely implicated because of land dispute between the parties. The postmortem report does not support the allegations levelled in the first information report. There is no reasonable explanation for the delay of 15 days in lodging of the first information report. The petitioner has no criminal antecedent and is in custody since 19.6.2020.

The application for bail is opposed by learned Additional Public Prosecutor for the State.

Having heard learned counsel for the parties and taking into consideration the submissions made on behalf of the petitioner together with the delay in lodging of the first information report, the contents of the postmortem report, the petitioner being in custody since 19.6.2020 and the investigation in the case having concluded, the Court is inclined to enlarge the petitioner on bail. The petitioner is directed to be enlarged on bail in connection with Chainpur P.S. Case no. 190 of 2020 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, Kaimur at Bhabua.

(Partha Sarthy, J)

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