

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19168 of 2022

Arising Out of PS. Case No.-2 Year-2022 Thana- DANDARI District- Begusarai

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DILIP YADAV @ DILIP KUMAR @ DILIP KUMAR YADAV SON OF
LATE BAIJNATH YADAV R/O VILLAGE- BALHA, WARD NO.-10, P.S.-
DANDARI, DISTRICT- BEGUSARAI

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Prerna Anand
For the State : Mr.Suresh Pd. Singh, APP

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CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 18-07-2022 The learned counsel for the petitioner is directed to

remove all the defects pointed out by the Stamp Reporter within

one month.

Heard learned counsel for the petitioner and the State.

Petitioner seeks regular bail in a case registered for

the offence punishable under Section 304 of the Indian Penal

Code.

As per allegation, there was partition dispute between

the informant's husband and the petitioner and on the fateful

day, an altercation took place between them and in the

meantime, informant's father-in-law intervened and then

informant's daughter Sonali Kumari bolted her in a room and

after some time she came out and found her father-in-law in



dead condition and she suspected that on account of scuffling having taken place between her father-in-law and the present petitioner, deceased sustained some kind of injury.

The main submissions advanced by the learned counsel for the petitioner are that no external or internal injury was found on the body of the deceased and doctor concerned opined that cause of death of the deceased was due to massive myocardiac infraction and viscera sample was sent to FSL. In fact, deceased was 70 to 75 years old person and in the alleged occurrence he fell down and sustained some kind of injury, petitioner has no criminal antecedent and has been languishing in jail since 3.1.2022.

Learned APP appearing for the State has opposed the prayer for bail and submitted that FIR has been lodged under section 304 IPC and viscera of the deceased has been sent for chemical examination.

Heard both sides and perused the FIR. The manner of the occurrence as well as genesis of the occurrence mentioned in the FIR does not show that the occurrence was committed in a planned manner and the same might have taken place at the spur of moment and the petitioner who is stated to be son of the deceased has taken plea that no external or internal injury was



found on the body of the deceased. In light of these facts, in my view, a lenient approach may be taken in respect of the petitioner. Let the petitioner 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 Addl. Chief Judicial Magistrate V, Begusarai in Dandari P.S Case No. 02 of 2022.

(Shailendra Singh, J)

s.hassan/-

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