

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21385 of 2022

Arising Out of PS. Case No.-208 Year-2020 Thana- VIDYAPATINAGAR District-
Samastipur

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KRISHNA NANDAN SINGH Son of Dayanand Singh Resident of Village -
Gadhsisai, P.S.- Vidyapati Nagar, District - Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. P.K. Shahi, Sr. Advocate
		Mr. Arun Kumar, Advocate
For the Opposite Party/s :		Mr.Uday Chand Prasad

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CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

3 03-08-2022 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 302/34 of the Indian Penal Code.

As per allegation, on the alleged date and time of the

occurrence, petitioner came at the house of the informant and told the

brother of the informant that his mother was called by his father as

she had taken loan of Rs 15,000/- from his father. Thereafter

informant's mother went to the house of the petitioner and as per

further allegation petitioner and his father assaulted the informant's

mother due to which victim sustained injury at her stomach and vital

parts of her body. Thereafter victim returned to her home and later on



her condition deteriorated and she died.

The main submissions advanced by Sri P.K. Shahi, the learned senior counsel appearing for the petitioner are that the petitioner is facing trial and three material witnesses have been examined by the prosecution and their depositions have been filed before this court through supplementary affidavit and the statements made by the said witnesses completely go against the prosecution story mentioned in the FIR and one co-accused father of the petitioner has been granted anticipatory bail by the court below and the petitioner has been languishing in jail since 23.2.2022.

Learned APP Sri Uday Chand Prasad has opposed the prayer for bail.

Heard both sides, perused the FIR and testimony of the prosecution witnesses submitted by petitioner's counsel through supplementary affidavit and said witnesses have been examined in the trial of the petitioner. PW 1 (Jitendra Kumar) informant of this case who is important witness of the prosecution has revealed a different story completely contradictory to the allegation made in the FIR and he stated that his mother while returning to home fell down due to which she sustained injury on her chest and he further stated that he did not see any mark of injury on the body of the victim. Accordingly, statement of the said witness completely goes against the prosecution story mentioned in the FIR. Statements of two witnesses namely, Laxmi Sah (PW 2) husband of the deceased and



Suraj Kumar (PW3) son of the deceased have deposed a different story before trial court.

In view of these facts as well as considering the above submissions, in the opinion of this Court, petitioner deserves privilege of bail. 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 III, Dalsingsarai, Samastipur in Vidyapati Nagar P.S Case No. 208 of 2020.

(Shailendra Singh, J)

s.hassan/-

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