

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29348 of 2022

Arising Out of PS. Case No.-462 Year-2021 Thana- HARSIDHI District- East Champaran

1. Chandan Kumar Son of Krishna Sah Resident of Village Dhobiya Tola, Ward No. 4, P.S. Harsidhi, District - East Champaran at Motihari.
2. Dha ramshila Devi Wife of Krishna Sah Resident of Village Dhobiya Tola, Ward No. 4, P.S. Harsidhi, District - East Champaran at Motihari.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rajesh Kumar, Advocate

For the Opposite Party/s : Mr.Amit Kumar Rakesh, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 22-09-2022 Heard learned counsel appearing on behalf of the
petitioners and learned counsel appearing on behalf of the State.

Let the defect(s), if any, be removed within a period
of four weeks from today.

The petitioners seek bail in connection with Harsidhi
P.S. Case No. 462 of 2021 registered for the offence under
Sections 341, 323, 324, 307, 302, 504 and 34 of the Indian
Penal Code.

The accused/petitioners are named in the F.I.R. and in
custody since 02.12.2021.

The allegation against the petitioners is to commit
murder of father of the informant, along with other co-accused



persons, where alleged assault was made by iron rod on the chest of the deceased, by these petitioners.

Learned counsel appearing on behalf of the petitioners submitted that FIR itself is evident of this fact that alleged assault was made on the chest of the father of the informant by these petitioners, without any intention to cause death. It is submitted that alleged assault is single without intervening any circumstances, which further negate intention to cause death. It is further submitted that post-mortem report is not clear, whether death was caused due to said assault. It is also submitted that death of father of the informant was due to injuries, which perhaps received during course of occurrence, while pacifying the rival groups. While concluding the argument, it is submitted that petitioner no.2 is the mother of the petitioner no.1, where both the petitioners having of clean antecedent and, moreover, investigation has been completed, for which, charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP, opposes the prayer of bail.

Considering the facts and circumstances as mentioned above, as FIR itself speaks that alleged assault was not made with intention to cause death, where cause of death was not



ascertained as per post-mortem report coupled with the fact that charge-sheet has already been submitted, let both the petitioners, above named, are directed to be released on bail in connection with Harsidhi P.S. Case No. 462 of 2021 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned C.J.M., East Champaran, Motihari/concerned court, subject to the conditions as laid down u/s 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

R.S.Sen/-

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