

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30134 of 2022

Arising Out of PS. Case No.-73 Year-2022 Thana- UDWANTNAGAR District- Bhojpur

1. MAMTA DEVI WIFE OF LATE DAYANAND SAH R/O VILLAGE- SARATHUA, P.S.- UDWANT NAGAR IN THE DISTRICT OF BHOJPUR
2. KISHAN SAH SON OF SIYARAM SAH R/O VILLAGE- JAMUAON, P.S.- SANDESH IN THE DISTRICT OF BHOJPUR
3. RAMESH SAH SON OF SIYARAM SAH R/O VILLAGE- JAMUAON, P.S.- SANDESH IN THE DISTRICT OF BHOJPUR

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sunil Kumar

For the Opposite Party/s : Ms.Nirmala Kumari

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 23-08-2022 The learned counsel for the petitioners is directed to remove all the defects pointed out by the Stamp Reporter within one month.

Heard learned counsel for the petitioners and the State.

Petitioners seek regular bail in a case registered for the offence punishable under Section 302/34 of the Indian Penal Code.

Allegedly, petitioners brutally assaulted the deceased who happens to be grand son of the informant by means of **lathi-danta** and during course of medical treatment, deceased died.

The main submissions advanced by Sunil Kumar, the learned counsel for the petitioners are that petitioners have clean antecedent and as per FIR, alleged occurrence of assaulting took



place on 12.2.2022 but FIR was lodged on 16.2.2022 on the basis of fardbeyan of the informant who claimed to be eye witness of the alleged occurrence regarding the said delay, there is no explanation on the part of the prosecution, in the post mortem report any external injury on the body of the deceased has not been found as appeared from the post mortem report and the doctor conducting the said post mortem report was not clear about cause of death, hence he preserved viscera and the same was sent to FSL for examination, petitioner no.1 is wife of the deceased, in fact, deceased was an alcoholic person and in drunken condition, on the alleged date of occurrence, he came in his house and started assaulting petitioner no.1 and her children, thereafter petitioner no.1 fled away her parentage house along with her children, deceased died due to some other reasons.

Ms. Nirmala Kumari, learned APP appearing for the State has opposed the prayer for bail.

Having considered the above submissions, mainly statement made in para 11 of the petition and the delay in lodging the FIR as pointed out by learned counsel for the petitioner and also considering the custody period of petitioners as well as stage of petitioners' case, in the opinion of this Court, a lenient approach can be taken in respect of the petitioners. Let the petitioners 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 Chief Judicial Magistrate, Bhojpur at Ara in Udwant Nagar P.S Case No. 73



of 2022.

(Shailendra Singh, J)

s.hassan/-

U		T	
---	--	---	--

