

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45614 of 2021

Arising Out of PS. Case No.-23 Year-2021 Thana- ROH District- Nawada

1. KUSUM DEVI, W/O SHAMBHU SINGH
2. Shambhu Singh, S/o Late Lala Singh
3. Sunni @ Guddu, S/o Shambhu Singh
All are R/o village - Madra, P.S. - Roh, District - Nawadah

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Arun Kumar, Advocate
For the Informant : Mr. Sunil Kumar, Advocate
For the Opposite Party/s : Mr. Satyendra Prasad, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

4 28-03-2022 Heard learned counsel for the petitioners, Mr. Naman, learned Advocate, who appears on behalf of the learned counsel for the informant Shri Sunil Kumar and learned A.P.P. for the State.

Let the defect(s), if any, be removed within a period of four weeks after complete start of the physical Court.

The petitioners seek bail in a case registered for the offences punishable under Sections 341, 323, 307, 302, 504 and 506 of the Indian Penal Code.

Learned counsel for the petitioners submits that the petitioner no. 1 is in custody since 03.02.201 and is a female. Petitioner no. 2 and 3 are in custody since 15.03.2021. Petitioners are persons with clean antecedent and charge-sheet



has been submitted in this case.

The informant alleges that on account of dispute relating to flowing of water, the petitioners came to the house of the informant and Shambhu Singh assaulted the husband of the informant by lathi and Sunny @ Guddu assaulted the husband of the informant by iron rod as a result of which the husband of the informant fall down. Thereafter, all the accused persons assaulted the husband of the informant by bricks. It is further alleged that Shambhu Singh also assaulted the informant by lathi causing injury on her head and Sunny @ Guddu also assaulted the son of the informant by iron rod causing injury on his head. Further, the husband of the informant died at the spot.

Learned counsel for the petitioners submits that the petitioners have been falsely implicated in the present case with exaggerated allegation and draw the attention of the Court to Annexure-2, which is a postmortem report of the deceased, which records that no external injury was found on the body of the deceased. It is, thus, submitted that had the husband of the informant been assaulted in the manner it has been alleged in the FIR then definitely injuries would have been found on his body. Learned counsel further submits that the cause of death as recorded in the postmortem report is might be myocardial



infarction.

Learned counsel for the informant and learned A.P.P. for the State vehemently opposed the prayer for regular bail of the petitioners but are not able to meet the submissions of the learned counsel for the petitioners with regard to their submissions made by placing reliance on the postmortem report of the deceased.

Considering the fact that the petitioners are in custody, are persons with clean antecedent, charge-sheet has been submitted in this case and the postmortem report does not support the allegation as alleged in the FIR, let the petitioners above named be released on bail on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending in connection with Roh P.S. Case No. 23 of 2021.

(Satyavrat Verma, J)

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