

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.51995 of 2021**

Arising Out of PS. Case No.-39 Year-2020 Thana- ARER District- Madhubani

SURENDRA MISHRA Son of Late Lutan Mishra Resident of Village -  
Dhanga West Tola, P.S.- Arer, Dist.- Madhubani.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

|                            |                                   |
|----------------------------|-----------------------------------|
| For the Petitioner/s :     | Mr. Sanjay Kumar Tiwari, Advocate |
| For the Opposite Party/s : | Dr. Ajeet Kumar, APP              |
| For the Informant :        | Mr. Subhash Kumar Jha, Advocate   |

**CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY**  
**ORAL ORDER**

2      25-02-2022                      Heard learned counsel for the parties through video conferencing.

The petitioner has preferred this application for grant of regular bail in a case registered under sections 341, 323, 354A, 447, 504 and 506 of the Indian Penal Code to which section 302 of the Indian Penal Code was added subsequently.

As per the prosecution case, the petitioner is said to have assaulted with fists and slaps as a result of which the husband of the informant sustained injuries. It is further stated by the informant that on the others going to his rescue, the informant and others were also beaten up.

It is submitted by learned counsel for the petitioner that the husband of the informant having died on 23.3.2021,



section 302 of the Indian Penal Code was added. The petitioner has been falsely implicated in the case. Even from perusal of the FIR it would transpire that there is no allegation of any weapon having been used. Even the allegations of assault with bare fists and hands by the petitioner is not supported by the postmortem report (Annexure-4). In the postmortem examination no external injury was found on the body of the deceased. The husband of the informant died seven days after the alleged occurrence. The petitioner is in custody since 30.6.2021. He has no criminal antecedent.

The application for bail is opposed by learned APP for the State and learned counsel for the informant. It is submitted by learned counsel for the informant that the petitioner is the sole assailant of the deceased. In the inquest it has transpired that there is black mark over the chest. The witnesses have supported the case of the prosecution and it was in course of treatment that the husband of the informant passed away.

Having heard learned counsel for the parties and taking into consideration the materials on record specially the contents of the postmortem report wherein it has been mentioned that no external injury is found on the body of the deceased together with chargesheet having been submitted in



the case, the petitioner is directed to be enlarged on bail in connection with Arer P.S. Case no. 39 of 2020 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge VI, Madhubani.

**(Partha Sarthy, J)**

Spd/-

|   |  |   |  |
|---|--|---|--|
| U |  | T |  |
|---|--|---|--|

