

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53227 of 2021

Arising Out of PS. Case No.-205 Year-2020 Thana- PATEPUR District- Vaishali

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Naveen Kumar Son Of Machhu Singh R/O Village- Teknari, P.S.- Patepur,
District- Vaishali

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Raj Krishan Jha, Advocate.

For the Opposite Party/s : Mr. M. K. Nirala, APP.

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

8 13-09-2022 Learned counsel for the petitioner is permitted to
remove defect(s), as pointed out by the office, if any, within a
period of four weeks from today.

Heard Mr. Raj Krishan Jha, learned counsel for the
petitioner as well as Mr. M. K. Nirala, learned Additional Public
Prosecutor for the State.

The application for grant of bail to the petitioner,
above named, who has been made accused and put behind the
bar in connection with Patepur P. S. Case No. 205 of 2020
registered for the offences punishable under Sections 302 read
with 34 of the Indian Penal Code.

The prosecution case is based on the *fardbayan* of
the informant wherein it is alleged that the petitioner assaulted
the father of the informant over his head by brick, which
resulted into his death during the course of treatment.

Learned counsel appearing on behalf of the



petitioner submitted that the deceased was an old man suffering from several diseases and in course of scuffle, he himself fell down on the P.C.C. Road due to which he received injury and as such, the death was accidental and not homicidal. It is next submitted that there is omnibus allegation of pelting bricks against all the accused persons but as the petitioner is main person of the family, he has been shown to be assailant. It is further submitted that there was a partition dispute running between both the parties as they are agnates and because of some reason a free fight was taken place. A supplementary affidavit has been filed bringing on record, the deposition of all the charge sheet witnesses and the learned counsel for the petitioner draws the attention of this court towards the deposition wherein out of six charge sheet witnesses none of them have supported the prosecution case, in fact, the informant of the present case has deposed before the trial court that his father died on account of falling down on the P.C.C. Road.

On the other hand, learned APP for the State opposes the bail application.

Regard being had to the depositions made by the charge sheet witnesses including the informant, who have not supported the prosecution case and the petitioner having fair



antecedent, is in custody since 17.04.2021, let the petitioner, above named, be released on bail on furnishing bail bonds of Rs. 5,000/- (Rupees five thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate -III, Vaishali at Hajipur in connection with Patepur P. S. Case No. 205 of 2020, subject to the condition that one of the bailors will be the close relative of the petitioner with further conditions which are as follows:-

- (i) The petitioner will cooperate in conclusion of the trial.
- (ii) He will remain present on each and every date of trial till disposal of the case.
- (iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.
- (iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(Harish Kumar, J)

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