

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48851 of 2022

Arising Out of PS. Case No.-141 Year-2022 Thana- CIVIL LINE District- Gaya

Virendra Kumar @ Virendra Vishwakarma S/o Jagdish Vishwakarma resident of Mohalla- New Godown, Lala Babu Road, P.S. - Kotwali, District - Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner	:	Mr. Krishna Prasad Singh, Sr. Advocate Mr. Bhaskar Shankar. Advocate
For the Opposite Party	:	Mr. Md. Mushtaque Alam, APP
For the Informant	:	Mr. Atul Shankar, Advocate

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

2 09-12-2022 Heard learned senior counsel for the petitioner and learned APP for the State as well as learned counsel for the informant.

The petitioner is in custody in connection with Civil Lines P.S. Case No.141 of 2022 registered for offences under Section 302/34 of the Indian Penal Code.

The allegation against the petitioner and his two sons is that they assaulted the deceased due to which he sustained injury and in course of his treatment, he died.

Learned senior counsel for the petitioner submits that the deceased was beaten by general public for committing theft and the offence under Section 302 of the IPC is not made out against the petitioner. The petitioner has no criminal antecedent.



Considering the fact that the petitioner has no criminal antecedent and also considering the submission that the offence under Section 302 of the IPC is not made out against the petitioner and he is in custody since 28.03.2022, this application is allowed.

Accordingly, the petitioner is directed to be released on bail, **after framing of charge**, on furnishing bail bond of Rs.10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Gaya in connection with Civil Lines P.S. Case No.141 of 2022, subject to the condition that he will cooperate in disposal of the trial and he will appear in the trial court on each and every date and/or he will be represented during the trial by his lawyer in the court below.

(Sandeep Kumar, J)

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