

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59000 of 2021

Arising Out of PS. Case No.-190 Year-2020 Thana- CHAINPUR District- Kaimur (Bhabua)

1. IMARCHAN KUMAR S/o Lallan Mallah Resident of Village- Semariya, P.S.- Chainpur, District- Kaimur at Bhabua.
2. Bala Devi W/o Lallan Mallah Resident of Village- Semariya, P.S.- Chainpur, District- Kaimur at Bhabua.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Tribhuwan Narayan, Advocate

For the Opposite Party/s : Mr.Nand Kishore Prasad, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 08-03-2022 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

The petitioners seek bail in connection with Chainpur
P.S. Case No. 190 of 2020 instituted for the offences under
Sections 302 and 34 of the Indian Penal Code.

Learned counsel for the petitioners submits that the
petitioners are in custody since 28.07.2020, are persons with
clean antecedent and charge-sheet has been submitted in the
case.

Learned counsel for the petitioners submits that the
informant alleges that the petitioners herein along with other
accused persons brutally assaulted the father of the informant



with *lathi, danda* stone etc. as a result of which he sustained serious injuries, further the informant took her father to Banaras for treatment where he died during the course of treatment on 14.06.2020 and thereafter the F.I.R. was instituted on 18.06.2020.

Learned counsel for the petitioners submits that the petitioner no.1 is the own nephew of the deceased and petitioner no. 2 is own bhabhi of the deceased and there is a land dispute between the parties, it is further submitted that the postmortem report does not support the allegation levelled in the F.I.R. and there is no reasonable explanation for the delay of 15 days in lodging of the F.I.R. Learned counsel further submits that similarly situated co-accused Lallan Mallah who is father of petitioner no. 1 and husband of petitioner no. 2 has been granted bail vide order dated 17.03.2021 in Cr. Misc. No. 40973 of 2020.

Learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioners.

Considering the fact that the petitioners are in custody, charge-sheet has been submitted in the case, the petitioners are persons with clean antecedent, co-accused similarly situated has been granted bail and petitioner no.2 is a



woman, let the petitioners above named be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Kaimur at Bhabua in connection with Chainpur P.S. Case No. 190 of 2020.

(Satyavrat Verma, J)

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