

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60192 of 2021

Arising Out of PS. Case No.-175 Year-2021 Thana- BAIKUNTHPUR District- Gopalganj

TINKU SAH S/o RANJIT SAH R/o VILLAGE-GAMHARI, P.S-
BAIKUNTHPUR, DISTRICT-GOPALGANJ.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr. Naresh Chandra Verma, Advocate
For the Opposite Party/s :	Md. Ataur Rahman, APP
For the Informant/s :	Mr Prasant Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

4 14-10-2022 Heard learned counsel for the petitioner, learned counsel for the informant and learned A.P.P. for the State through virtual Court proceedings.

The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 302 and 34 of the Indian Penal Code.

Learned counsel for the petitioner submits that the petitioner is a person with clean antecedent and the informant alleges that on 09.06.2021, there was an orchestra for a marriage near informant's house which was playing obscene songs, to which the informant's son opposed, thereafter it is alleged that seven accused persons, including the petitioner, abused and assaulted the informant's son, it is next alleged that all accused



slammed and dashed the victim and Shailesh Sah assaulted the victim with knife on his rib, further the informant brought the victim to the hospital from where he was referred to a higher center, but the victim died on the way to the hospital.

Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case, it is next submitted that petitioner came to be implicated in the present case merely because he is brother of Shailesh Sah, it is next submitted that there is specific allegation of assault against Shailesh Sah, it is also submitted that from perusal of the post-mortem report it would manifest that no external injury was found on the body of the deceased except for a stab injury which amply demonstrates that perhaps the informant was not an eye-witness to the occurrence, as he alleges that all the accused persons assaulted and dashed his son on the ground when he had objected to playing of the obscene songs, but since no external injury has been found on the body of the deceased, thus the allegation in the FIR stands belied, the learned counsel for the petitioner next submits that from perusal of the post-mortem report also it would manifest that the doctor has stated that cause of death in my opinion death was due to shock and haemorrhage due to above mentioned injury caused by sharp



cutting object, thus submits that since there was no external injury on the body of the deceased and the doctor has also opined that the death was on account of shock and haemorrhage, on account of injury caused by sharp cutting object, thus the allegation of assault further gets falsified.

Learned A.P.P. for the State and the learned counsel for the informant oppose the prayer for anticipatory bail of the petitioner.

Learned counsel for the informant submits that from perusal of the allegation it would manifest that the stab injury was on non-vital part of the body, as such it cannot be said that it was the reason for the death of the deceased, but is not able to meet the submission of the learned counsel for the petitioner based on post-mortem report that no external injury was found and the doctor also opined that death was due to shock and haemorrhage, on account of injury caused by sharp cutting object.

Considering the submissions made by the learned counsel for the petitioner, the petitioner above-named, in the event of his arrest or surrender before the learned trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/-



(Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned trial court where the case is pending/successor court in connection with Baikunthpur P.S. Case No. 175 of 2021 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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