

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21391 of 2022

Arising Out of PS. Case No.-370 Year-2020 Thana- DAUDNAGAR District- Aurangabad

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DHARMENDRA KUMAR Son of Lalan Prasad Singh Resident of Village -
Tarati Tole Gawasgarh, P.S.- Daudnagar, District - Aurangabad, Bihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Ms. Soni Srivastava, Advocate

Mr.Sameer Sawarn, Advocate

For the State : Mr.Madhura Nand Jha, APP

For the informant ; Mr. Sunil Kumar Dubey, Advocate

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

4 30-01-2023 Heard the learned counsel for the

petitioner and the learned APP for the State as also

learned counsel for the informant.

The petitioner seeks regular bail in
connection with Daudnagar P.S. Case No.370 of
2020, registered for the offences punishable under
Sections 341, 323, 325, 302, 307 and 379/34 of
the Indian Penal Code.



The case of the prosecution, in brief, according to the informant, is that some dispute had taken place in between the father of the informant and the petitioner as also one another co-accused, namely, Lalan Prasad Singh, on account of dispute regarding construction of a temple and upon protest being made by the father of the informant, accused persons including the petitioner herein had put a *gamaccha* (cloth towel) around the neck of the father of the informant and thereafter, had assaulted him by iron rod etc. and had also snatched a sum of Rs.10,000/-.

The learned counsel for the petitioner has submitted that the petitioner is innocent, he has been falsely implicated in the present case, he is having a fair antecedent and he is languishing in custody since 15.02.2022. The learned counsel for the petitioner has further submitted by referring to the injury report and supplementary injury report that the injuries sustained by the father of the informant have



been found to be simple in nature. It is also submitted that a bare perusal of the postmortem report would show that the death of the deceased, i.e, the father of the informant has not been caused on account of injuries inflicted by the accused persons including the petitioner, but the deceased has died due to vasovagal attack leading to syncope due to fasting condition, further leading to hypoglycemia leading to coma and consequent death. It is, thus, submitted that any overtact on behalf of the petitioner has not led to the death of the father of the informant.

Per contra, the learned APP for the State as also learned counsel for the informant have vehemently opposed the prayer for bail and have submitted that accused persons including the petitioner had assaulted the father of the informant resulting in his death, thus, it is submitted that the petitioner be not granted bail.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the



parties and taking into account the materials available on record as also those available in the case diary, this Court finds that though the accused persons including the petitioner herein are alleged to have assaulted the father of the informant, but it appears from the injury report that the injuries sustained by the father of the petitioner are simple in nature and moreover, the postmortem report does not indicate that the said injuries have resulted in his death inasmuch as, the doctor has opined that the death of the father of the informant has been caused on account of vasovagal attack leading to syncope due to fasting condition, further leading to hypoglycemia leading to coma and consequent death of the father of the informant, hence, considering the fact that the petitioner is languishing in custody since 15.02.2022 and death of the father of the informant cannot be prima facie stated to be solely attributable to the petitioner herein, I deem it fit and proper to direct for release of the petitioner on regular bail.



Accordingly, the above named petitioner is directed to be enlarged on bail on furnishing bail bonds of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned SDJM, Aurangabad in connection with Daudnagar P.S. Case No.370 of 2020.

(Mohit Kumar Shah, J)

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