

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28048 of 2023

Arising Out of PS. Case No.-125 Year-2021 Thana- SONEPUR District- Saran

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JAGTARAN PANDEY Son of Sri Ram Lakhan Pandey Resident of village
Dudhela Gachchi, P.S. Sonpur, District Saran

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Vaishnavi Singh

For the Opposite Party/s : Mr. Arun Kumar Pandey

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 25-07-2023 1. Heard learned counsel for the petitioner and
learned A.P.P. for the State.

2. The petitioner apprehends his arrest in a case
registered for the offences punishable under Sections 147, 149,
323, 325, 307, 354(B), 452, 379, 504, 506, 427, 120(B) of the
Indian Penal Code.

3. The informant alleges that the petitioner assaulted
her by an iron rod causing injury on head.

4. Learned counsel for the petitioner submits that the
petitioner is a person with one antecedent.

5. Learned counsel for the petitioner submits that the
petitioner has been falsely implicated in the present case, it is
next submitted that initially the case was instituted under
Section 307 of the IPC read with other Sections of the IPC, it is



also submitted that the informant died subsequently on 22.12.2021 and her postmortem was conducted on 23.12.2021. It is further submitted that from bare perusal of the allegations as alleged in the FIR, it would manifest that the dated of occurrence is 28.02.2021 and the fardbeyan of the informant was recorded at PMCH on 03.03.2021 and thereafter, FIR came to be instituted on 09.03.2021 and the informant died on 22.12.2021, as such, the assault was not the proximate cause of death. It is next submitted that the postmortem report clearly records that no external injury was found and the cause of death was due to cardiopulmonary failure due to heart attack. Learned counsel thus submits that, no doubt, an occurrence had taken place but then both side assaulted each other and the informant died after more than ten months of the occurrence, as such, the assault was not the proximate cause of death and as opined by the Doctor in the postmortem, it amply reflects that the cause of death definitely was not the assault as alleged, it is next submitted that this perhaps explains why, till date, Section 302 of the IPC has not been added.

6. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner but fairly submits that though case diary has not been called but based on the postmortem



report furnished at the time of hearing of the case by the learned counsel for the petitioner, it appears that the cause of death was heart failure.

7. The postmortem report, as produced by the learned counsel for the petitioner is taken on record.

8. 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 Sonpur P.S. Case No. 125 of 2021 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

HarshPandey/-

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