

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36466 of 2023

Arising Out of PS. Case No.-87 Year-2022 Thana- VALMIKINAGAR District- West
Champaran

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GERA NAT @ GIRA NAT Son of Jalandhar Natt Resident of Village - Lav
Kush Ghat Valmiki Nagar, P.S. - Valmiki Nagar, District - West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Vijay Kr Singh No. 1, Advocate
For the Opposite Party/s : Mr.Shyam Kumar Singh, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 05-09-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner is in judicial custody in connection
with Trial No. 1118 of 2022 arising out of Valmikinagar P.S.
Case No. 87 of 2022 registered under Sections 302/34 of the
Indian Penal Code lodged on 31.08.2022 by the informant,
Sunita Devi.

3. As per the prosecution story, the allegation is that a
scuffle took place for the collection of goods from the river, the
allegation is that accused-couple assaulted the informant's
husband on 29.08.2022. He was taken to the Primary Health
Centre where during treatment but died on 31.08.2022.
Accordingly, the FIR.



4. In this case, co-ordinate Bench had called for the case diary and the post-mortem report on 24.06.2023 which have since been received.

5. Learned counsel for the petitioner has taken this court to the post-mortem report to show that the case of death has been recorded as Asphyxia due to bimannual throttling (homicidal). He further submits that in the allegation that has been made by the informant, there are some missing points which she withheld and in that backdrop, he being in custody since 01.09.2022 (as stated in paragraph-12 of the petition) and do not have criminal antecedent, is entitled for relief. Further, it is his submission that he will be diligently appearing in trial, charge sheet has already been submitted in the matter and the wife of the petitioner, Meera Devi has since been extended the privilege of bail in Cr. Misc. No. 30625 of 2023 vide order dated 13.07.2023 by a co-ordinate Bench of this Court.

6. Learned APP opposes the prayer for bail stating that due to scuffle, the couple assaulted which finally resulted into his death.

7. Taking into account the submissions put forward by the parties, the post-mortem report, charge sheet has already been submitted, is in custody since 01.09.2022, this Court is



inclined to grant him privilege of bail.

8. Let the petitioner be released on bail on furnishing bail of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate, 1st Class, Bagaha, West Champaran in connection with Trial No. 1118 of 2022 arising out of Valmikinagar P.S. Case No. 87 of 2022. subject to the following conditions:

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his/her *bona fide*;

(ii) the petitioner shall appear on each and every date before the Trial court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his/her bail bond by the Trial court itself;

(iii) the petitioner shall appear before the concerned police station every fortnight for next six months to mark attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of his bail bonds;

(v) the petitioner shall desist from committing any



criminal offence again failing which the State shall be at liberty
to take steps for cancellation of the bail bonds.

(Rajiv Roy, J)

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