

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39484 of 2023

Arising Out of PS. Case No.-35 Year-2023 Thana- SIRDALA District- Nawada

BIRU @ BIRENDRA RAJVANSHI SON OF CHHOTELAL RAJVANSHI
R/O VILLAGE VIJAYPUR, P.S. SIRDALA, DISTRICT NAWADA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pramod Kumar Verma

For the Opposite Party/s : Mr.Yogendra Kumar

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

4 29-11-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner has prayed for regular bail in a case registered for the offence punishable under sections 341, 323, 3897, 385, 302, 504, 506/34 of the Indian Penal Code.

3. As per prosecution case, allegation against this petitioner along with one co-accused is that they tied the neck of the informant's brother with towel forcefully due to which he fell down on the ground. Thereafter, he was brought to hospital where the doctor declared him dead. The reason behind this as alleged occurrence is said to be demand of contribution for Saraswati Puja.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence. He has



falsely been implicated in this case. There was no intention to kill the deceased rather some scuffle took place between both the parties and they assaulted to each other and during this scuffle, unintentionally towel tied in his neck and due to suffocation, the informant's brother died. It is further submitted that the petitioner is languishing in judicial custody since 25.1.2023. Moreover, similarly situated co-accused Kavindra Rajwanshi was already enlarged on bail granted by this Court vide order dt. 18.9.2023 passed in Cr. Misc. No. 42644 of 2023.

5. Learned APP appearing for the state has opposed the prayer of regular bail.

6. Considering the facts and circumstances of the case as well as custody of the petitioner, this court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be released on bail in connection with Sirdalla P.S. Case No. 35 of 2023 on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned J.M. 1st Class, Nawada.

(Sunil Kumar Panwar, J)

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