

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42644 of 2023

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

Kavindra Rajwanshi @ Raja Babu Son Of Krishna Rajbanshi Resident Of
Village Vijaypur, Ps -SIRDALA, District- Nawada

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sunil Kumar

For the Opposite Party/s : Mr.Tarun Prasad Mandal

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

4 18-09-2023 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, 387, 385, 302, 504, 506 and 34 of the Indian Penal Code.

3. Allegation against the petitioner along with one co-accused person is that they tied the neck of the informant's brother with towel forcefully due to which he fell down on the ground and 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(*chanda*) 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. It is further submitted that there was no intention to kill the deceased rather the scuffle took place between both 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 also submitted that no case is made out under Section 302 of IPC in this case. A statement has been made in para-3 of this petition that the petitioner has got no criminal antecedent. Moreover, he is languishing in judicial custody since 01.02.2023.

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

6. Having heard learned counsel for the parties and 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 Sirdala 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 Judicial Magistrate, 1st Class, Nawada.

(Sunil Kumar Panwar, J)

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