

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49407 of 2023

Arising Out of PS. Case No.-343 Year-2022 Thana- KHODAWANDPUR District- Begusarai

Laxman Das, S/o Late Ramdev Das, R/o Village- Ezni, P.S- Khodawandpur
Chaurahi P.O. & Distt.- Begusarai.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Ranjan Kumar Singh, Advocate

For the Opposite Party/s : Mr. Mohammad Sufyan, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 07-08-2023 Heard learned counsel for the petitioner and
learned Additional Public Prosecutor for the State.

2. The accused/petitioner seeks bail in connection
with S.T. No.266 of 2023 arising out of Khodawandpur P.S.
Case No.343 of 2022 registered for the offence punishable under
Section 302 of the Indian Penal Code.

3. The accused/petitioner is named in the FIR and is
in custody since 05.12.2022.

4. Allegation against the petitioner is to commit
murder of son of the informant on 30.11.2022 at about 9 p.m.

5. It is submitted by learned counsel that entire
implication is based upon suspicion and hearsay input. It is
submitted that the informant came to know about the occurrence
when his alleged injured son was brought home by three



persons, namely, Sonu Das, Pappu Das and Mithilesh Das, who are none but the full brothers of petitioner. It is submitted that at about 9:00 pm, some scuffle took place between son of informant and this petitioner, where petitioner also received injuries and subsequently, out of said injuries, son of informant succumbed to death, where alleged assault was not appearing with intention to cause death. It is also submitted that there is no external injury as per inquest report. It is submitted that the narration of FIR and the manner of occurrence maximum attracts offence under Section 304 of the Indian Penal Code and not under Section 302 of the Indian Penal Code. While concluding argument, it is submitted that the petitioner is a man of clean antecedent and moreover investigation of this case has been completed, for which, charge-sheet has been submitted and, as such, there is no chance of tampering with the evidence.

6. Learned APP opposes the prayer for grant of bail to the petitioner.

7. In view of above-mentioned facts and circumstances, as entire implication *prima facie* appears on the basis of suspicion and hearsay input, coupled with the fact that charge-sheet has already submitted, where petitioner is in custody since 05.12.2022, accordingly, the petitioner, above-



named, is directed to be released on bail furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional District and Sessions Judge-II, Begusarai in connection with Khodawandpur P.S. Case No.343 of 2022, subject to the conditions as laid down under Section 437(3) of the CrPC.

(Chandra Shekhar Jha, J.)

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