

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48352 of 2022

Arising Out of PS. Case No.-97 Year-2022 Thana- ROHTAS District- Rohtas

Shekh Nesar @ Shekh Nasir S/O Shekh Munshi R/O Village- Akbarpur, P.S.-
Rohtas, District- Rohtas

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Md. Mushtaque Alam, APP

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 12-01-2023 Heard learned counsel for the petitioner, learned APP
for the State and perused the case diary as well as postmortem
report of the deceased.

The petitioner is in custody in a case registered for the
offence punishable under Sections 302/34 of the Indian Penal
Code.

The allegation against the petitioner is that he
assaulted to the father of the informant, namely, Shekh Yunus
who succumbed to the injury.

Learned counsel for the petitioner submits that
petitioner has falsely been implicated in this case. He further
submits that according to the postmortem report, it appears that
the doctor opined the cause of death of the deceased may be due
to cardiogenic shock and haemorrhage shock. However, final



opinion can be given duly after receipt of the viscera examination of the deceased. He further submits that the cause of death is not due to assault and the postmortem report is not in consonance with the prosecution case. Petitioner is in judicial custody since 08.04.2022.

Learned APP appearing for the State has vehemently opposed the prayer for regular bail of the petitioner and submitted that cause of death of the deceased due to cardiogenic shock.

Having heard learned counsel for the parties and considering the facts and circumstances of the case, this Court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be released on bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-IX, Rohtas at Sasaram in connection with Sessions trial No. 292 of 2022 arising out of Rohtas P.S. Case No. 97 of 2022.

(Sunil Kumar Panwar, J)

Brajesh Kumar/-

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