

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57165 of 2022

Arising Out of PS. Case No.-184 Year-2022 Thana- BHORE District- Gopalganj

MAJISTER KHATIK SON OF LATE SHIVPUJAN KHATIK R/O
VILLAGE- RAKHAIBARI, P.S.- BHORE, DISTT.- GOPALGANJ

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Umesh Kumar Singh, Adv.

For the Opposite Party/s : Mr. Umeshanand Pandit, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 07-04-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Petitioner seeks bail, who is in custody since 27.04.2022, in connection with Bhore P.S. Case No. 184/2022, PTN No. 1404/2022, F.I.R. dated 26.04.2022, for the offences punishable under Sections 147, 148, 149, 323, 324, 302, 307 and 504 of the Indian Penal Code.

According to prosecution case, the petitioner along with other co-accused persons surrounded the informant and his father and co-accused namely, Vijay Khatik inflicted *bhala* blow on the father of the informant causing his death.

Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case. He further submits that from bare



perusal of the FIR it appears that there is allegation against the co-accused namely, Vijay Khatik, who gave blow upon the father of the informant and after the death of the father of the informant the petitioner inflicted *fasuli* blow on the left hand of the father of the informant. He further submits that due to petty dispute, the present occurrence took place and the postmortem report of the victim suggests that the death has been caused by the following external injuries:-

External Examination

- 1.Rigor Mortis absent in all four limbs.
- 2.Eye closed.
- 3.Mouth open.
- 4.Penetrating wound right neck size 1/2"x1/4"x3"
- 5.Penetrating wound left side chest between 8(Eight) and 9(Nine) rib size 1/2"x1/2"x Intra thoracic cavity'
- 6.Penetrating wound left posterior forearm size 2"x1/4"x3"
- 7.Penetrating wound left anterior forearm size 1/2"x1/2"x2"

Dissection:

1. Head and Neck-Intact
2. Thorax-Blood and Blood clot in chest cavity
3. Right lung intact and pale
4. Left lungs ruptured and pale
5. Heart empty.
6. Abdomen-all other visceral organs pale and intact
stomach empty.
Urinary bladder empty.

Cause of death:- Haemorrhage and shock due to above mention injuries caused pointed object.

He further submits that the cause of death is due to haemorrhage and shock due to above mentioned injuries and the



police after investigation submitted the charge sheet against the petitioner. The petitioner is in custody since 27.04.2022.

The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner.

Considering the aforesaid facts and circumstances, let the petitioner, above named, 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 the learned Chief Judicial Magistrate, Gopalganj, in connection with Bhore P.S. Case No. 184/2022, PTN No. 1404/2022, subject to the following conditions:-

1. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

2. If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

3. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his



criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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