

Arising Out of PS. Case No.-235 Year-2022 Thana- DERNI BAZAR District- Saran

... .. Petitioner/s

Versus

... .. Opposite Party/s

For the Petitioner/s : Mr.Jeetendra Narayan

For the Opposite Party/s : Mr.Pranav Kumar

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

4 09-11-2023

Heard the learned counsel for the petitioner and

learned counsel for the State.

2. The petitioner seeks bail in connection with
Derni P.S. Case No. 235 of 2022 registered for the offence under
Sections 302, 323, 341 read with Section 34 of the Indian Penal
Code.

3. As per the prosecution case, the petitioner is said to have assaulted the deceased and killed him.

4. It has been submitted by the learned counsel for the petitioner that the deceased was a criminal and he was killed at some other place. The date of death is 12.12.2022 at about 4:30PM in the evening. The postmortem has been done at 9:45AM on 13.12.2022 and the F.I.R has been filed on 14.12.2022. Learned counsel for the petitioner submits that this delayed F.I.R. after the postmortem in goes to show that the petitioner may have been falsely implicated after the prosecution came to know about the exact injury given to the



deceased.

5. From the postmortem report it appears that the stomach of the deceased was empty. The stomach of a person who is killed at 4:30PM cannot be empty, and therefore, there is some substance in the argument of the learned counsel for the petitioner.

6. Considering the aforesaid facts, this application for regular bail is allowed.

7. 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 Judicial Magistrate, 1st Class, Saran at Chapra in connection with Derni P.S. Case No. 235 of 2022

8. The petitioner will cooperate in the proceeding of the court below. In the event of failure to appear on two consecutive dates, the court below will be at liberty to pass appropriate order including cancellation of bail bonds of the petitioner.

(Sandeep Kumar, J)

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