

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67092 of 2023

Arising Out of PS. Case No.-175 Year-2022 Thana- BARIYARPUR District- Munger

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AMIT KUMAR son of Umesh Kumar Yadav Village- Kabragah Ps- East
Colony Dist- Munger

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Anuj Kumar
		Ms. Sagarika
		Mr. Aditya Pandey
For the Opposite Party/s :		Mr. Shyam Kumar Singh
For the Informant	:	Mr. Sanjeev Kumar Sanju

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CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

2 17-10-2023 Heard the learned counsel for the petitioner, learned
counsel for the informant and learned APP for the State.

2. Let the defect(s), if any, be removed within a
period of four weeks from today.

3. The petitioner seeks bail in connection with
Bariarpur P.S. Case No. 175 of 2022 registered for the offence
under Sections 341, 323, 324, 307, 302 of the Indian Penal
Code.

4. As per the prosecution, the accused were abusing
the prosecution side over a dispute for keeping the building
material and during the course of argument, the petitioner and
other accused persons have assaulted the prosecution side. The



petitioner is said to have given one Khanti blow on the deceased namely Chabila Yadav and in the said occurrence some other persons were also injured. This petitioner is said to have injured a lady also.

5. Learned counsel for the petitioner submits that petitioner is not a resident of the village, though he had come to his grand-parent's house (Nanihal) and he has falsely been implicated in this case.

6. It has further been argued by the learned counsel for the petitioner that even if the prosecution case is believed, it appears from the prosecution case that the occurrence has taken place all of a sudden and no offence under Section 302 of the Indian Penal Code is made out against the petitioner as there was no repetition of the blow on the deceased.

7. Learned A.P.P. assisted by learned counsel for the informant has vehemently opposed the prayer for bail and has submitted that the petitioner was the assailant of the deceased and he may not be granted bail. They also submit that merely because the petitioner was said to have assaulted the deceased once, will not exonerate him from the murder charges.

8. I have considered the submissions of the parties.

9. The petitioner, as per the prosecution has assaulted



the deceased on his head by a hard blunt substance which resulted in head injury. The deceased was advised to be taken to Patna Medical College Hospital but the prosecution took him to a nearby medical facility in Begusarai where the deceased died in the course of treatment because of the head of injury. The petitioner is a young-man of 25 years and he has no criminal antecedent and he is in custody since 07.02.2023.

10. Considering the fact that there is no repetition of blow and there are chances that this entire occurrence has taken place in the heat of the moment, I am inclined to grant bail to the petitioner.

11. Accordingly, this application is allowed.

12. Let the petitioner, above named, be released on bail **after framing of charge, if the charge has not been framed yet** on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned ACJM, Munger in connection with Bariarpur P.S. Case No. 175 of 2022.

13. After being released on bail, the petitioner is directed to co-operate in the trial. In case the trial Court finds that the petitioner is not co-operating in the trial, the bail granted to the petitioner is liable to be cancelled. The bail granted to the



petitioner is also liable to be cancelled if other accused persons will not co-operate in the trial as all the accused persons are from the same family.

(Sandeep Kumar, J)

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