

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69258 of 2022

Arising Out of PS. Case No.-243 Year-2022 Thana- BIHIA District- Bhojpur

Parmanand Singh Son of Late Ramayan Singh Resident of Village - New Colony Sahib Tola Ward No.- 01, P.S.- Bihiya, District - Bhojpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Yogesh Chandra Verma, Sr. Advocate Mr. Prakash Mahto, Advocate
For the Opposite Party/s :		Mr. Anuj Kumar Shrivastava, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

3 07-04-2023 Heard learned counsel for the petitioner and the learned APP for the State.

Petitioner seeks regular bail in connection with Bihia P.S. Case No. 243 of 2022 dated 23.08.2022 registered for the offences punishable under Sections 341, 323, 307, 304 and 447 of the Indian Penal Code.

As per the prosecution, the informant alleged that this petitioner (informant's step brother) assaulted his own father by means of fist and slap over a land dispute running in between both the parties and due to the alleged assault their father died.

The main submissions advanced by the learned counsel for the petitioner are that admittedly at the time of commission of the alleged occurrence a dispute with regard to



partition was running in between the informant and the petitioner who are step brothers and at the time of alleged occurrence a dispute with regard to the said partition arose between them and they started assaulting each other and then the victim who happened to be the father of this petitioner and the informant both intervened and as per allegation made in the FIR this petitioner pushed his father down on the ground and thereafter assaulted at his chest by fists and legs and there is no allegation of having assaulted at the forehead of the victim by this petitioner and as per postmortem report of the deceased only one bruise of size 3/4" x 1/2" on the forehead of the victim was found which does not support the allegation concerned to the petitioner and no any other external injury except the said injury was found on the body of the deceased. Further submission is that the petitioner has been languishing in jail since 22.08.2022 and he has fair and clean antecedent and against him the investigation has been completed.

Learned APP appearing for the State has opposed the bail prayer.

Having considered the above submissions and mainly taking into account the nature of allegation appearing against the petitioner and also the fact that on the body of the deceased



only one external injury being in the nature of bruise was found and the same is not corroborated to the allegation made against the petitioner in the FIR, in the opinion of this court, the petitioner deserves to a lenient approach of this court. Accordingly, let the petitioner 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 Court concerned in connection with Bihia P.S. Case No. 243 of 2022.

(Shailendra Singh, J)

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