

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.5167 of 2024**

Arising Out of PS. Case No.-43 Year-2023 Thana- DUMARIYA District- Gaya

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Brahamdeo Mistry @ Brahmdev Vishwakarma, Son Of Yugesh Mistry, R/O  
Village- Sujji Khurd, P.S.- Dumariya, Dist.- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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**Appearance :**

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

For the Opposite Party/s : Mr.Nityanand, APP

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**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH  
SINGH**

ORAL ORDER

6      03-07-2024                      Heard learned counsel for the petitioner and learned  
A.P.P for the State.

2. The petitioner has preferred this application for grant of regular bail in connection with Dumariya P.S. Case No. 43 of 2023 dated 08.05.2023 registered for the offences punishable under Sections 341, 323, 325, 504 and 506/34 of the Indian Penal Code but later on Section 304 of the I.P.C. also added.

3. As per the prosecution case, it is alleged that petitioner along with other co-accused armed with lathi-danda assaulted the informant and his mother-in-law Murti Devi, due to which the waist of Murti Devi got fractured. Further, during the course of treatment injured Murti Devi died.

4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has committed no offence. He has



been falsely implicated in this case due to the dirty village politics. The F.I.R. has been lodged after a delay of two days but for the said delay no reason has been mentioned in the F.I.R. The mother-in-law of the informant died due to her old age and an old ailment. Charge-sheet has been submitted against the petitioner in this case. The petitioner has a clean antecedent as stated in para 3 of the bail petition. The petitioner is languishing in judicial custody since 08.07.2023.

5. Learned A.P.P. for the State has vehemently opposed the bail petition of the petitioner.

6. Considering the aforesaid facts and circumstances of the case as well as the period of custody, the petitioner above-named, is directed to be enlarged on bail on furnishing bail-bond of Rs.20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Court concerned, Sherghati, Gaya in connection with Dumariya P.S. Case No. 43 of 2023.

7. The application stands allowed.

(Chandra Prakash Singh, J)

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