

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33053 of 2024

Arising Out of PS. Case No.-604 Year-2023 Thana- SULTANGANJ District- Patna

Subhash Kumar @ Rohit Raj Son Of Sri Shankar Mahto Resident Of Mohalla
- Dargah Road , Near Shiv Mandir, Patthar Ki Masjid P.S.- Sultanganj, Dist-
Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pramod Kumar, Advocate

For the Opposite Party/s : Mr.Atul Chandra, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 17-05-2024 Heard learned counsel for the petitioner as well as
learned APP for the State.

2. The petitioner seeks bail in a case registered for the offences punishable under Sections 341, 323, 302, 504 and 34 of the IPC in connection with Sultanganj P.S. Case No.604 of 2023.

3. The learned counsel for the petitioner submits that petitioner is a person with clean antecedent and has been falsely implicated in the instant case by the informant. It is further submitted that initially the case was instituted under Section 341, 323, 302, 504 and 34 of the IPC, but police after investigation came to a considered conclusion that it was not a case of murder, as such the charge sheet came to be submitted under Section 304 of the IPC read with other sections.



4. It is next submitted that the informant alleges that on account of dispute relating to construction of house, the present occurrence is alleged to have taken place in which the informant alleges that the accused persons including the petitioner were objecting the construction being made by the informant and when the informant protested, it is alleged that the accused persons including the petitioner assaulted him and his mother and petitioner threw the mother of the informant from the terrace leading to her death. The learned counsel thus submits that what is not disputed rather stands is admitted is that on account of dispute relating to construction, the alleged occurrence is said to have taken place. It is next submitted that though there is specific allegation against this petitioner of throwing the mother of the informant from the terrace leading to her death, but then whether she was thrown deliberately from the terrace which led to her death or in scuffle she fell or since construction was going on and the mother of the informant was also on the terrace, it might be a possibility that she slipped and died.

5. It is also submitted that this perhaps explains why the police after threadbare investigation came to a considered conclusion that it is not a case under Section 302 IPC, but is a



case of Section 304 IPC read with other section. It is also submitted that petitioner is in custody since 31.12.2023 and charge sheet has been submitted.

6. The learned APP along with learned counsel appearing on behalf of the informant opposes the regular bail application of the petitioner, but then are not in a position to rebut the submission of the learned counsel for the petitioner that police after investigation did not find the case true under Section 302 of the IPC.

7. Considering the submissions made by the learned counsel for the petitioner, the petitioner above-named is directed to be released on bail on his furnishing bail-bonds in the sum of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Sub-divisional Judicial Magistrate, Patna City in connection with Sultanganj P.S. Case No.604 of 2023, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

8. The application stands allowed.

(Satyavrat Verma, J)

Prakash Narayan

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