

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42667 of 2024

Arising Out of PS. Case No.-335 Year-2023 Thana- SINGHESHWAR District- Madhepura

UPENDRA SUTIHAR S/O LATE NASIB SUTIHAR R/O VILLAGE-
SIRSIA, WARD NO.03, P.S- SINGHESHWAR, DISTT.- MADHEPURA.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ranjay Kumar Singh

For the Opposite Party/s : Mr.Shyam Kumar Singh

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

- 3 25-10-2024 Heard learned counsel for the petitioner and the State.
2. The petitioner seeks regular bail in a case registered for the offence punishable under sections 341, 323, 302, 504/34 of the Indian Penal Code.
3. As per the prosecution case, on 16.11.2023 at about 11- 12 o'clock in the daytime, the she goat of informant's elder brother, namely Pawan Sutihar, entered into field of the petitioner. It is alleged that for the aforesaid reason, all the accused persons named in the F.I.R., including the petitioner, and five unknown persons, abused Pawan Sutihar and brutally assaulted him, as a result of which he died on the spot.
4. Learned counsel appearing for the petitioner submits that the allegation of assault is general and omnibus against the petitioner. In the inquest report, no external injury has been found on the person of the deceased. Dead body has been recovered from the courtyard of the informant. As a matter of fact, deceased was an ailing person, as such, he might have died of some ailment. Post mortem report reflects that the death caused due to asphyxia caused by ante mortem injuries probably due to strangulation. Petitioner claims clean



antecedent. Charge sheet has already been filed. Petitioner is in custody since 16.3.2024.

5. Learned counsel for the State opposes the prayer for bail.

6. Considering the aforesaid facts of the case, prayer for regular bail of the petitioner is allowed. Let the petitioner, mentioned above, be enlarged on bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of Chief Judicial Magistrate, Madhepura in Singheshwar Police Station Case No. 335 of 2023.

(Prabhat Kumar Singh, J)

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