

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43100 of 2023

Arising Out of PS. Case No.-190 Year-2020 Thana- BAIRIYA District- West Champaran

KALAMUDDIN GADDI @ SADHU GADDI S/O LATE MAHAVIR
GADDI R/O VILLAGE- BHATWALIYA, PS. BAIRIYA, DIST. WEST
CHAMPARAN

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Brij Kishor Mishra, Advocate
For the Opposite Party/s : Mr. Dilip Kumar No.1, APP

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

4 29-01-2024 Heard Mr. Brij Kishor Mishra, learned counsel for the
petitioner and Mr. Dilip Kumar No.1, learned A.P.P. for the
State.

2. In compliance of the order dated 22.01.2024, the past and
present Investigating Officers are present before the Court.

3. The petitioner apprehends his arrest in a case registered
for the offences punishable under Sections 147, 341, 323, 324,
302 and 504 of the Indian Penal Code.

4. The allegation against the petitioner is that he assaulted
the father of the informant by means of lathi on his chest.

5. It is submitted by learned counsel for the petitioner that
no such occurrence as alleged ever took place. He has been
falsely implicated in this case. The allegation levelled against



the petitioner is not specific rather general and omnibus in nature. It is further submitted that the doctor, who has conducted postmortem of cadavera of the deceased, has opined that the death was caused due to head injury. Hence, the postmortem report does not support the prosecution case. Petitioner has no criminal antecedent as mentioned in para-3 of this application.

6. Learned APP for the State opposed the prayer for bail and fairly submitted that the charge sheet has been submitted against the petitioner and there is no allegation against the petitioner to tamper the evidence.

7. Having regard to the facts and circumstances of the case as well as the fact that the charge sheet has been submitted against the petitioner and the postmortem report does not support the prosecution case, let the above named petitioner, be released on bail, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending/successor Court in connection with Bairiya P.S. Case No. 190 of 2020, subject to the condition as laid down under



Section 438 (2) of the Cr.P.C.

8. The personal appearance of the present and past Investigating Officers is dispensed with.

(Anjani Kumar Sharan, J)

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