

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49130 of 2024

Arising Out of PS. Case No.-90 Year-2024 Thana- PIPRA District- East Champaran

Dharmendra Paswan @ Laddu @ Dharmendra Kumar S/o- Motilal Paswan
Village- Sagar mathiya Ps- Pipra Dist- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Sharad Kumar Verma
		Mr. Abhishek Kumar
For the State	s :	Mr. Arun Kumar Singh
For the informant	:	Mr. Madhurendra Kumar

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 2 21-08-2024 1. Heard learned Counsel for the petitioner, learned Counsel for the informant and learned Additional Public Prosecutor for the State.
2. This application, for grant of anticipatory bail, arises out of Pipra Police Station Case No. 90 of 2024, dated 28.03.2024, disclosing offences punishable under Sections 302/34 of the Indian Penal Code.
3. The prosecution case, as per the First Information Report, is that on 25.03.2024, all the accused persons, including the petitioner, arrived at the door of the informant, assaulted his niece, nephew and when the mother of the informant intervened, she was assaulted by lathi and danda by the accused persons, due to which she fell down



and died.

4. Learned Counsel for the petitioner submits that the petitioner has falsely been implicated in this case due to old enmity. He further submits that the present First Information Report has been lodged after a delay of three days from the date of occurrence on the basis of written report submitted by the informant. Referring to the post mortem examination report, he submits that the doctor has given his opinion regarding the cause of death, saying that there is no corresponding physical assault in the post mortem, hence, viscera has been preserved for F.S.L. examination.
5. On the other hand, learned Counsel for the informant vehemently opposes the prayer for bail and submits that the inquest report was prepared on the date of occurrence and the dead body was kept by the police in its custody and after three days of the occurrence, the First Information Report has been lodged, which is fault on the part of the police. The viscera has been preserved for ascertaining the cause of death, as such, the petitioner is not entitled for grant of anticipatory bail.
6. Regards being had to the submissions advanced on behalf



of the parties and taking into consideration the post mortem examination report the fact that there is three days’ delay in lodging the First Information Report, I am inclined to grant the petitioner privilege of anticipatory bail.

- 7. This application is, accordingly, allowed.
- 8. Let the petitioner, above named, in the event of his arrest or surrender before the Court below within a period of four weeks from today, 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 learned Sub Divisional Judicial Magistrate, Sadar, Motihari, East Champaran, in connection with Pipra Police Station Case No. 90 of 2024, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

Prabhakar Anand/-

(Anil Kumar Sinha, J.)

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