

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50359 of 2024

Arising Out of PS. Case No.-439 Year-2022 Thana- CHIRAIYA District- East Champaran

Anil Kumar, Son of Radha Sah, Resident of Vill- Khartari, P.S.- Chiraiya,
District- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Anil Kumar, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 23-08-2024 Heard learned counsel for the petitioner and learned
APP for the State.

02. In the present case, the petitioner seeks bail in connection with Chiraiya P.S. Case No. 439 of 2022 registered on 12.10.2022 for the alleged offences under Sections 302/34 of the Indian Penal Code.

03. As per prosecution case, during altercation between the father of the informant and father of the petitioner, father of the informant was assaulted by the petitioner, his co-accused brother, father and mother and father of the informant died during course of his treatment.

04. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. There is no specific allegation of assault against the



petitioner as the allegation is specific against co-accused father of the petitioner Radha Sah that he assaulted the deceased on his head with iron pipe. Postmortem report shows the death occurred due to intracranial hemorrhage due to head injury. The post mortem report also shows stitched wound of size 1 inch over right frontal region of head apart from stitched wound over left ear size 2cm and third injury is merely an abrasion over right wrist of size 1"x½". The petitioner is in custody since 31.01.2023 and charge-sheet has been submitted on 31.05.2024. The petitioner has got no criminal history. Co-accused Sunita Devi has been granted bail by this Court vide order dated 23.05.2023 passed in Cr. Misc. No. 23061 of 2023.

05. Learned APP for the State opposes the prayer for bail. Learned APP further submits that the petitioner and other co-accused persons assaulted the father of informant with iron pipe and three injuries have been found the body of the deceased.

06. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the fact that allegation of causing fatal injury is not against this petitioner and the allegation against the petitioner is general and non-serious and also considering the period of custody of the



petitioner coupled with his clean antecedent, the petitioner above named is directed to be released on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Sessions Judge-19, East Champaran at Motihari/court concerned in connection with Chiraiya P.S. Case No. 439 of 2022 subject to the conditions mentioned in Section 437(3) of the Cr.P.C. and the following conditions:

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below.
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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