

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59663 of 2024

Arising Out of PS. Case No.-475 Year-2023 Thana- ARA MUFFSIL District- Bhojpur

Nathuni Sah S/O Late Basropan Sah Resident of Village- Devari, P.S.- Ara
Muffasil, Disrict- Bhojpur

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Rajani Ranjan Pd. Singh, Advocate

For the Opposite Party/s : Mr. Veena Kumari Jaiswal, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 30-08-2024 Heard learned counsel for the petitioner and learned
APP for the State.

02. In the present case, the petitioner seeks bail in connection with Ara (Muffasil) (Dhobha O.P) P.S. Case No. 475 of 2023, registered on 09.11.2023, for the offences under Sections 341, 323, 307, 302 and 504/34 of the Indian Penal Code..

03. As per prosecution case, petitioner and other co-accused persons assaulted the informant with *lathi*, and *bhala* causing injuries on his legs and above the eyes and also in the head and subsequently the informant died.

04. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. For an occurrence of 27.10.2023, FIR was lodged on



09.11.2023 and there is no explanation for delay of 14 days. The deceased-informant was very old person and ex-army personnel and was suffering from acute kidney decease and he died during treatment on 19.11.2023 at the age of 87 years. A death certificate was issued by the hospital which shows the cause of death is multi organ dysfunction syndrome with severe metabolic acidosis. So the death of the informant was due to illness. Even during post-mortem, no external injury was found and the viscera was preserved for the chemical analysis. There is no specific allegation against the petitioner and allegation are general and omnibus.. The petitioner is in custody since 02.12.2023 and charge-sheet has been submitted. The petitioner has got no criminal history.

05. Learned APP for the State opposes the prayer for bail.

06. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the age of the deceased-informant and remoteness of allegation against the petitioner and further considering the doubtful nature of cause of death and further considering the period of custody of the petitioner along with submission of charge-sheet, the petitioner above named is directed to be released on bail on



furnishing bail bonds of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M.-VII, Bhojpur at Ara/court concerned in connection with Ara (Muffasil) (Dhopa O.P.) P.S. Case No. 475 of 2023, 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 for 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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