

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58082 of 2024

Arising Out of PS. Case No.-199 Year-2024 Thana- BABUBARHI District- Madhubani

Shankar Jha S/o- Basudeo Jha Resident of Village - Babubarhi, P.S -Baburahi,
Dist- Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjay Kumar Jha, Advocate

For the Opposite Party/s : Mrs. Sharda Kumari, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 26-10-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. In this present case, the petitioner seeks bail in connection with Babubarhi P.S. Case No. 199 of 2024, registered on 05.05.2024 for the offences under Sections 341, 323, 307, 302 and 506/34 of the Indian Penal Code.

3. As per prosecution case, petitioner and other co-accused persons, in the background of land dispute, demanded partition and when the mother-in-law of the informant refused, the petitioner hit her on the head with the handle of chopper. Further co-accused persons assaulted the informant and her daughter. Subsequently, the mother-in-law of the informant died due to her injuries.

4. Learned counsel appearing on behalf of the petitioner submits that the petitioner is innocent and has been



falsely implicated in this case. No occurrence as alleged has ever taken place. The land dispute is admitted. It is surprising that if both the informant and her mother-in-law received injuries, informant alone went for her treatment but did not take her mother-in-law for getting treatment. However, the postmortem report shows that no external injury on the person of the deceased mother-in-law of the informant and opinion about death was due to sudden cardiac arrest and viscera has been preserved for FSL report. It is clear that allegation of assault on mother-in-law of the informant against the petitioner is false. Petitioner is in custody since 13.05.2024 and is having clean antecedent.

5. Learned A.P.P. opposes the submission made on behalf of the petitioner. Learned APP submits that there is specific allegation against the petitioner is that he hit on the head of the mother-in-law of the informant and she succumbed to her injuries.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the postmortem report which does not say the death was caused due to any external injury and also considering the period of custody of the petitioner coupled with his clean antecedent and submission of charge-sheet, the petitioner above named is



directed to be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand Only) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-VI, Madhubani/concerned court in connection with Babubarhi P.S. Case No. 199 of 2024, subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and other 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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