

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61915 of 2023

Arising Out of PS. Case No.-56 Year-2023 Thana- GAURICHAK District- Patna

Shivnath Malakar @ Sidhnath Malakar, Male, age 50 years, S/O Dhurkheki Bhagat @ Dhurkheli Malakar, R/O Village- Kandap, P.S- Gaurichak, Distt.- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Rudra Deo, Advocate
For the Opposite Party/s	:	Mr. Raj Kishor Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND MALVIYA

ORAL ORDER

5 05-03-2024 Heard learned counsel for the petitioner and learned APP for the State.

2. The petitioner is in custody in connection with Gaurichak P.S. Case No. 56 of 2023 registered for an offence punishable under Sections 147, 341, 323, 307, 325, 302 and 506 of the Indian Penal Code.

3. As per prosecution case, the FIR has been lodged against five named accused persons in which allegation of assaulting the father of the informant is there, due to which, death has been caused.

4. Learned counsel for the petitioner submits that petitioner has falsely been implicated in this case due to village rivalry and party politics. He next submits that the postmortem report has not supported the statement of the informant as such entire prosecution case is suspicious. He next submits that similarly situated co-accused persons have already been granted bail



by a Co-ordinate Bench of this Court passed in Cr. Misc. No. 35758 of 2023. Petitioner is in custody since 24.03.2023.

5. Learned APP for the State opposes the prayer for bail of the petitioner.

6. From perusal of the first information report, case diary, postmortem report and FSL report no.2847 of 2023 dated 17.02.2024, it appears that total five accused persons including the petitioner and allegation against the petitioner is only one blow assaulted by lathi to the deceased. On perusal of the post-mortem report, it appears that only one abrasion found on the body of the deceased and the cause of death is not ascertained by the concerned doctor who conducted the postmortem report, in these circumstances, I am inclined to grant bail to the petitioner. Prayer for bail of the petitioner is allowed.

7. Accordingly, let the above named petitioner 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 ACJM-VI, Patna City, Patna in connection with Gaurichak P.S. Case No. 56 of 2023.

(Ramesh Chand Malviya, J)

Brajesh Kumar/-

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