

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73592 of 2024

Arising Out of PS. Case No.-155 Year-2024 Thana- JANDAHA District- Vaishali

Seema Devi W/o Avinash Paswan Resident of village- Hasanpur Buzurg,
ward no 14, PS- Jandaha, Distt. - Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Hemant Karn, Advocate
For the State : Mr. Abhay Kumar, APP
For the Informant : Mr. Anil Kumar, Advocate

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

3 17-12-2024 Heard learned counsel for the petitioner and learned APP

for the State as also learned counsel for the Informant. Perused

the case diary.

2. The petitioner seeks bail in connection with

Jandaha P.S. Case No. 155 of 2024 instituted for the offence

under Sections 341, 323, 448, 302, 504/34 of the Indian Penal

Code.

3. Prosecution case in short is that co-accused

persons, including the petitioner have assaulted the son of the

informant by means of sticks, rods due to which he died.

4. It has been submitted on behalf of the petitioner

that the petitioner is in custody since 23-05-2024. Petitioner

bears no criminal antecedents, as per disclosure made in



paragraph No. 3 of the bail application.

5. It has been further submitted by the petitioner's counsel that petitioner has been falsely implicated in the present case. There is general and omnibus allegation against the petitioner. There is no specific allegation against the petitioner. There is delay of one day in lodging of the FIR. It is submitted that admitted fact is that the deceased was mentally challenged and he fell down, during the altercation, bursting his head on the ground, which caused his death. It is lastly submitted that charge sheet has been submitted in this case.

6. Learned A.P.P. for the State as also learned counsel for the Informant have vehemently opposed the prayer for grant of bail to the petitioner. Postmortem report reveals the cause of death due to head injury caused by hard and blunt substance. Witness has also supported the prosecution case, which fact finds mention at paragraph No. 12 of the case diary.

7. Considering the aforesaid facts and circumstances of the case, period of custody of the petitioner, there being no direct allegation against the petitioner and charge sheet being submitted, this Court is inclined to grant bail to the petitioner.

8. Let the petitioner 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 Court below/concerned Court in connection with Jandaha P.S. Case No. 155 of 2024, subject to the following conditions:

(I) One of the bailors shall be own/close member of the family of the petitioner.

(II) The petitioner shall appear on each and every date fixed at the trial. In case of default in such appearance on two consecutive dates, the Trial Court will have liberty to cancel the bail bonds of the petitioner.

(Rudra Prakash Mishra, J)

Raj Kishore/-

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