

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.85665 of 2023

Arising Out of PS. Case No.-201 Year-2023 Thana- NOORSARAI District- Nalanda

Pawan Jamadar @ Pawan Kumar S/O Karu Jamadar @ Dhram Veer Jamadar
R/O Village- Lala Bigaha, P.S- Noor Sarai, Distt.- Nalanda.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Brajesh Prasad Gupta, Adv.
For the Opposite Party/s	:	Mr.Binod Kumar, APP
For the Informant	:	Mr. Rudal Singh, Adv.

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

ORAL ORDER

6 19-06-2024 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
Noorsarai P.S. Case No. 201 of 2023 instituted for the offences
under Section 302/34 of the Indian Penal Code.

3. As per prosecution case, the allegation against the
petitioner is of causing death of the Informant's brother who was
found in unconscious condition in the house of the petitioner.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has committed no offence as alleged
against him and has falsely been implicated in the present case
merely on the basis of suspicion. He further submits that there is



no eye-witness to the alleged occurrence. The Informant is also not the eye-witness. The postmortem report also does not support the prosecution case as no external injury has been found on the body of the deceased. In the postmortem report, the cause of death also could not be ascertained and, so, the viscera was preserved and the opinion was also reserved till chemical report from the F.S.L. Patna is available. The F.S.L. report has come which also does not talk about presence of any poison. There is no any independent witness in this case rather the same are interested witnesses. The petitioner has no criminal antecedent and is languishing in judicial custody since 27.06.2023 without any rhymes or reason. Charge-sheet has been submitted in this case on 31.08.2023.

5. On the other hand, learned A.P.P. for the State and Informant have vehemently opposed the prayer for grant of bail to the petitioner, stating that the deceased was found in unconscious condition in the house of the petitioner. In Para 22, 23, 31, 32, 33, 34 and 35 of the case diary, the Informant along with the witnesses have supported the prosecution cases.

6. Having heard rival contention of both the parties and considering the entire facts and circumstances of the case as also taking into account the period of custody of the petitioner



and the petitioner having no criminal antecedent, let the petitioner, abovenamed, be released on bail, *after framing of charge if not already framed*, 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 Noorsarai P.S. Case No. 201 of 2023, subject to the following conditions;

(i) One of the bailor(s) shall be the own/close family members of the petitioner.

(ii) The petitioner shall cooperate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the Court and in the event of failure on two consecutive dates without sufficient reasons, his bail bond shall be liable to be cancelled by the court below.

(Rudra Prakash Mishra, J)

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