

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3575 of 2024

Arising Out of PS. Case No.-188 Year-2023 Thana- SARMERA District- Nalanda

=====

Bipin Kumar S/o Mr. Bachu Sao R/o Village- Bojhama, P.S.- Kashichak,
Distt- Nawada

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s	:	Mr. Ajay Kumar Thakur, Advocate Ms. Vaishnavi Singh, Advocate Mr. Titwik Thakur, Advocate
For the State	:	Mr. Md. Fahimuddin, APP

=====

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

2 31-01-2024 Heard learned counsel for the petitioner; learned APP
for the State and learned counsel for the informant.

2. The petitioner seeks bail in connection with Sarmera P.S. Case No. 188 of 2023 registered for the offence punishable under Section 302 of the Indian Penal Code.

3. As per the prosecution case, the petitioner is said to have dragged the deceased after putting a *gamachha* in his neck and when the deceased reached the police station, he fainted and died.

4. It has been submitted by learned counsel for the petitioner that earlier because of marriage, there was a dispute with regard to a marriage and because of which the petitioner tried to take the victim to the police. As the petitioner was



suffering from some serious ailment which is apparent from the post-mortem report, he died. The post-mortem report shows that the petitioner's kidney had pus and it appears that the petitioner was suffering from some kidney ailment. The petitioner is in jail since 09.09.2023.

5. Learned counsel for the informant has submitted that the petitioner is the sole assailant of the victim and therefore he does not deserve bail.

6. I have considered the submissions of the parties. From the materials available on record, it appears that there has been no external injury found on the deceased except for one abrasion caused by *gamachha* which supports the case of the prosecution that he was dragged to the police station. But the prosecution case with regard to assault is not supported by the post-mortem report. It appears that the victim may have died because of his illness.

7. Considering the aforesaid facts, this application is allowed.

8. Let the petitioner, above named, be released *after framing of charge if the charge has not already been framed*, on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of



the learned Judicial Magistrate 1st Class-II, Nalanda at
Biharsharif in connection with Sarmera P.S. Case No. 188 of
2023.

(Sandeep Kumar, J)

P. Kumar

U		T	
---	--	---	--

