

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67800 of 2024

Arising Out of PS. Case No.-395 Year-2023 Thana- BACHHWARA District- Begusarai

Gautam Kumar Ishwar S/O Chandeshwari Ishwar R/O Village- Bharaul, P.S-
Bachhwara, Distt.- Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shubhesh Pandey, Advocate

For the Opposite Party/s : Mr. Jagdhar Prasad,

CORAM: HONOURABLE MR. JUSTICE ASHOK KUMAR PANDEY
ORAL ORDER

5 23-01-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. Learned counsel for the petitioner is permitted to
make some necessary corrections in the bail petition.

3. The petitioner has prayed for regular bail in a case
registered for the offence punishable under sections 376, 302
and 379 of the Indian Penal Code.

4. The case of the prosecution is that the sister of the
informant, namely, Indira Devi used to graze her goat in gachi
and on the date of occurrence at 09.12.2023 she had also gone
there and when she did not return for considerable time then the
informant along with co-villagers started searching her. In some
of the bushes they found the slippers of the Indira Devi and shirt
of the miscreants. When they went towards the river they found



that one person was pushing the dead body towards river and was running and he was identified as Gautam Kumar the petitioner.

5. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence. He has falsely been implicated in this case. Learned counsel for the petitioner has submitted that during investigation the witnesses who have been examined by the police have stated that they came to know about the occurrence from informant and only the son of the deceased has stated that he has also seen the petitioner running away from the place of the occurrence. Learned counsel for the petitioner has further brought to notice to this Court the postmortem report, from perusal of the postmortem report it is clear that date and time of commencement of autopsy is 10 A.M. on 9.12.2023 whereas according to the fardebayan the occurrence is of 7 P.M and the case has been filed on 11.12.2023. Two things are clear that from perusal of the postmortem, it is evident that the time of the occurrence as referred in FIR is not correct, it clearly shows that the postmortem was conducted prior to the occurrence and even prior to the filing of the FIR. Moreover, the petitioner is languishing in judicial custody since 14.12.2023.



6. Learned APP appearing for the state has opposed the prayer of regular bail and submitted that petitioner has two criminal antecedents.

7. Having heard learned counsel for the parties and considering the facts and circumstances of the case, this court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be released on bail in connection with Bachhwara P.S. Case No. 395 of 2023 on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-IX, Begusarai.

(Ashok Kumar Pandey, J)

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