

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67310 of 2025

Arising Out of PS. Case No.-1669 Year-2023 Thana- PHULWARISHARIF District- Patna

Ajit Kumar, S/O Late Rajeshwar Prasad, R/O Village- Kurkuri, Police
Station- Phulwarisharif, District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Raj Krishna Jha, Advocate

For the Opposite Party/s : Mr. Mritunjay Kumar Nirala, APP

CORAM: HONOURABLE MR. JUSTICE ASHOK KUMAR PANDEY
ORAL ORDER

2 17-09-2025 Heard Mr. Raj Krishna Jha, learned counsel for the
petitioner and Mr. Mritunjay Kumar Nirala, learned APP for the
State.

2. The petitioner has prayed for bail in connection with
Phulwarisharif P.S. Case No.1669 of 2023 registered for the
offence punishable under Section 304 of the Indian Penal Code.

3. The case of the prosecution is that the husband of the
informant has gone to the shop of the petitioner and a scuffle took
place between them. It is alleged that the son of the informant was
also with the deceased. It is further alleged that the petitioner
abused and assaulted the informant's husband with slap and fist
due to which he fell down and received head injury and died
during treatment.

4. Learned counsel appearing on behalf of the petitioner
has submitted that petitioner is innocent and has committed no



offence. He has been falsely implicated in this case. It has further been submitted that from perusal of the Annexure-P/2, it will transpire that the informant herself has filed a petition before the trial Court that she has filed the case in misconception and that the petitioner has not assaulted the deceased rather the deceased fell down due to illness and died during treatment. In any view of the matter, the allegation against the petitioner is only that he has assaulted the deceased with fists. Petitioner is having no criminal antecedent and he is in judicial custody since 23.07.2025.

5. Learned APP appearing for the State has conceded that the injury which is alleged to be caused is not sufficient to cause death.

6. 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 enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rs. ten thousand only) with two sureties of the like amount each to the satisfaction of the learned A.C.J.M.-IV, Patna in connection with Phulwarisharif P.S. Case No. 1669 of 2023.

(Ashok Kumar Pandey, J)

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