

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.87855 of 2024

Arising Out of PS. Case No.-1031 Year-2023 Thana- BARACHATTI District- Gaya

Puneshwar Prasad @ Puneshwar Mahato, aged about 55 years (Male), S/o-
Late Bihari Mahato, R/O Village- Selari, P.S.- Barachatti, Dist- Gaya

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Abhay Kumar Singh, Advocate

For the Opposite Party : Mr. Shahabuddin Azeem @ S. Azeem, A.P.P.

**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

3 22-04-2025 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks bail in connection with Barachatti P.S. Case No. 1031 of 2023 dated 28.11.2023 registered for the offences punishable under Sections 304, 341, 323, 447, 504 read with Section 34 of the I.P.C. in which charge sheet has been submitted for the offences punishable under Sections 304, 302 read with Section 34 of the I.P.C.

3. As per the prosecution case, on 28.11.2023 at about 8.00 A.M., Rajesh Prasad, Pramod Prasad and Puneshwar Prasad (petitioner) came at the house of the informant's cousin brother Chandrika, abused and assaulted with lathi and danda on the point of digging out of potatoes from the potato field. When



the informant's father Ramkeshwar Mahto came to rescue him, the aforesaid three accused persons also assaulted him with lathi and danda, due to which, he received injuries on his nose and forehead and thereafter he became unconscious. The informant's father was brought to Primary Health Centre, Barachatti, for his treatment where the doctor declared him to be dead. Thereafter, the police was informed and the dead body was sent to Magadh Medical Hospital for postmortem. Thereafter, dead body was brought to the house for cremation.

4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. It is submitted that there is no specific allegation against the petitioner. There is general and omnibus allegation against the petitioner. Both parties are agnates and there is land dispute between the parties. It is further submitted that on the alleged date of occurrence, some hot words were exchanged between the parties on the point of digging out the potatoes from the potato field, in the meantime, the left leg of the informant's father slipped and he fell down from the stairs due to which, he died. The deceased was suffering from various illness since long who died due to fall down on the stairs and received minor injuries on his nose and forehead and due land



dispute, the informant has lodged the present false case against the petitioner. The charge sheet has been submitted under Sections 304, 302 read with Section 34 of the I.P.C. There was no intention to kill anyone, therefore, Section 302 of the I.P.C. is not made out against the petitioner. It is further submitted that as per the postmortem report, injury no. 1:- one abrasion over right side of forehead, abrasion over root of nose and another abrasion were present over right cheek and ankle respectively. The opinion with regard to cause of death was kept preserved. The petitioner has clean antecedent as stated in paragraph no. 3 of the bail petition. He is in custody in this case since 16.08.2024.

5. Learned A.P.P. for the State has vehemently opposed the bail petition of the petitioner.

6. Considering the aforesaid facts and circumstances of the case as well as the period of custody, the petitioner, above named, is directed to be enlarged on bail on furnishing bail bond of Rs. 20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M.-IInd, Gaya in connection with Barachatti P.S. Case No. 1031 of 2023 with further condition:-

(I) The petitioner is directed to remain



physically present before the learned court
below on each and every date, failing which
on two consecutive dates without reasonable
cause, the bail bonds of the petitioner are
liable to be cancelled.

7. The application stands allowed.

(Chandra Prakash Singh, J)

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