

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.10046 of 2015

Arising Out of PS.Case No. -163 Year- 2014 Thana -DHANAHAN District-
WESTCHAMPARAN(BETTIAH)

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1. Rajesh Chaurasiya
2. Mahesh Chaurasiya
Both S/o Jagarnath Chaurasiya Both Resident of Village Ram Nagari,
P.S. Dhanaha, District West Champaran.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Parmanand Kumar

For the Opposite Party/s : Mr. Shyam Bihari Singh(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

03/ 30-04-2015

Heard learned counsels for the petitioners

and the State.

The petitioners are languishing in custody since 11.12.2014 in a case registered for the offences punishable under Sections 147, 148, 149, 341, 323, 324, 307 and 504 of the Indian Penal Code. Subsequently section 302 of the IPC was also added.

It is alleged that the petitioners along with Kailash Chaurasiya and Deepak Chaurasiya were ploughing the land which was protested by the informant, his son and the grand son Baliram Kushwaha upon which all the four started assaulting

the informant and his son. The specific accusation is against Kailash Chaurasiya to have made assault with iron rod on the head of Baliram Kushwaha, thereafter other accused persons assaulted the informant and others. Subsequently, Baliram Kushwaha succumbed to the injuries.

It is submitted by learned counsel for the petitioners that the specific accusation of assaulting the victim Baliram Kushwaha is against Kailash Chaurasiya and there is omnibus and general accusation against the petitioners when the other co-accused Krishna Chaurasiya having omnibus and general accusation of assaulting the informant and others, has been granted bail vide Cr. Misc. No. 11281 of 2015. There is counter version of the occurrence also.

It is submitted by learned counsel for the informant that the assault of assault to the victim Baliram Kushwaha is against the petitioners also as the petitioners, Kailash Chaurasiya and Deepak Chaurasiya assaulted the informant and others and the case of Krishan Chaurasiya is not similar to that of petitioners as Krishna Chaurasiya had not assaulted the victim Baliram Kushwaha.

Considering the fact that the specific accusation of assault to the victim is against Kailash Chaurasiya,

statement has been made in para 3 of the petition that the petitioners have no criminal antecedent and the investigation has already concluded, let the above named petitioners, be released on bail on furnishing bail bonds of Rs.10,000/- (ten thousand) each two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate, Bagaha, West Champaran in connection with Dhanaha P.S. Case No. 163 of 2014.

(Dinesh Kumar Singh, J)

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