

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.21362 of 2015

Arising Out of PS.Case No. -18 Year- 2015 Thana -BAIRIYA District- WEST CHAMPARAN
(BETTIAH)

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Horil Chaudhary son of Late Harendra Chaudhary Resident of village
Bhitahan, P.S. Bairiya, District West Champaran.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance:

For the Petitioner/s : Mr. Mukesh Kumar

For the Opposite Party/s : Mr. Satyendra Prasad (App)

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

3 07-09-2015 Heard learned counsel for the petitioner, learned
A.P.P. for the State and learned counsel for the informant.

The petitioner seeks bail in a case under Section 302
and other sections of the Indian Penal Code.

The informant, brother of the deceased, named seven
persons in the F.I.R. and alleged that they all assaulted the
deceased Uday Lal with rod and Sarhat (a kind of sharp-edged
weapon). It is submitted that two injuries are found on the head of
the deceased. Injury no. 1 is caused by a hard and blunt object and
injury no. 2 is caused by a sharp-edged weapon. The informant
did not disclose that out of the seven persons, who assaulted the
deceased.

Learned counsel for the informant pointed out that in
Para 17 of the case diary, Raj Kumar Chaudhary, the brother of

the deceased, named only five persons, namely, Horil Chaudhary, Rajesh Chaudhary, Santosh Chaudhary, Upendra Chaudhary and Raghuvir Chaudhary and alleged that they all assaulted his brother. Even Raj Kumar Chaudhary has not stated that who, out of five persons, caused injuries on the head of the deceased Uday Lal. It is submitted that in Paras 65 to 68 of the case diary, independent witnesses have stated that the deceased and his brother, after taking liquor, went to the house of Jagia Devi and started teasing her. The neighbours became angry with such ill-treatment and they assaulted the deceased.

Considering the facts aforesaid and the nature of allegation made against the petitioner, who is in jail for about eight months, the above named petitioner is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Bettiah, West Champaran in Bairiya P.S. Case No. 18 of 2015.

(Prabhat Kumar Jha, J)

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