

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.23899 of 2015

Arising Out of PS.Case No. -13 Year- 2015 Thana -AKBARPUR District- NAWADA

1. Biran Chauhan Son of Siyaram Chauhan

2. Balmiki Chauhan Son of Siyaram Chauhan

3. Badri Chauhan Son of Siyaram Chauhan

All residents of Village: - Barail, P.S: - Akbarpur, District: - Nawada.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

Appearance:

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

For the Opposite Party/s : Smt. Meena Singh, APP.

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA

ORAL ORDER

3 12-08-2015 Heard learned counsel for the petitioners, learned
A.P.P. for the State as well as learned counsel for the informant.

The petitioners, three in number, seek bail in a case
under Section 307 and other sections of the Indian Penal Code.
Later on, Section 302 of the Indian Penal Code was added.

The informant alleged that all the accused persons
having armed with different weapons came and Siyaram Chauhan
and Badri Chauhan are alleged to have assaulted Somari Chauhan
(the father of the informant) with Saif and Khanti respectively on
his head. Dularchand Chauhan is alleged to have assaulted Bipin
Kumar (the informant) and Balmiki Chauhan (petitioner no. 2) is

alleged to have assaulted Lakshminiya Devi but Lakshminiya Devi got simple injury. Somari Chauhan died due to the injuries found on his head.

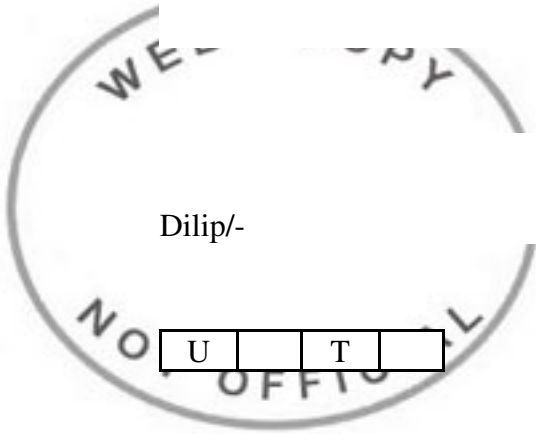
Learned counsel for the petitioners submits that Siyaram Chauhan and Balmiki Chauhan (petitioner no. 2) are alleged to have assaulted with Saif and Khanti respectively on the head of the deceased. Siyaram Chauhan has already been granted bail by the learned court below. It appears that Biren Chauhan (petitioner no. 1) and Badri Chauhan (petitioner no. 3) are alleged to have assaulted the informant and Lakshminiya Devi who got simple injuries.

Considering the facts aforesaid, petitioner no. 1 Biren Chauhan and petitioner no. 2 Balmiki Chauhan are directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Nawada in Akbarpur P.S. Case No. 13 of 2015.

So far as the case of petitioner no. 3, namely, Badri Chauhan is concerned, he is alleged to have assaulted the deceased with Khanti causing injuries on his head and there is a fracture injury of 6" x 5" size, on account of which the father of the informant died. Hence, I am not inclined to enlarge the above

named petitioner no. 3 on bail in Akbarpur P.S. Case No. 13/2015.

Accordingly, the same is rejected.



(Prabhat Kumar Jha, J)