

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.41838 of 2015

Arising out of PS.Case No. -282 Year- 2014 Thana -HUSAINGANJ District- SIWAN

Chandan Nat, Son of Hazi Nut, resident of Village- Harihas, Kurha Tola
P.S.- Hussainganj, District- Siwan.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

Appearance :

For the Petitioner : Mr. Arun Kumar No. 1, Advocate.

For the Opposite Party : Mr. Dr. Kr.Uday Pratap (App)

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 03-11-2015 Heard learned counsel for the petitioner and learned
counsel for the State

The petitioner is languishing in custody since 19.03.2015
in connection with Hussainganj P.S. Case No. 282 of 2014 for the
offences instituted under Sections 147, 149, 323, 324 and 307 of
the IPC. Subsequently, Section 302 IPC was also added.

The prosecution story, in brief, is that on 30.10.2014 at
about 2.00 P.M., one Kismat Nat reached at the *Darwaza* of the
informant Azad Nat with intention to kill and he assaulted Ashraf
Ali by means of *Lathi* on his head which resulted cutting on the
head and bleeding came out. Thereafter, Hazi Nat, Jayab Nat and
Chandan Nat(petitioner) reached at the place of occurrence. Hazi
Nat was armed with *Farsa* and other accused armed with *Lathi*



and Haji Nat inflicted *Farsha* blow on the arm of Ashraf that resulting cut injury below *Pakhura* causing severe injury. Jayale Nut and Chandan Nat assaulted Ashraf Nat by means of *Lathi* after that Saddam Nat and Samsul Nat reached there and assaulted Mirhamja Nat by means of rod which inflicted injury on his head. Samsul Nat assaulted by means of *Lathi* on the leg and back. Thereafter, Jazuddin Nat, Barkat Nat, Sarfuddin Nat armed with *Lathi*, *Danda* and rod, reached at the place of occurrence and started assaulting to Arman Nat due to which injury sustained on the informant Azad Nat and other came to P.H.C. Hunanjay for treatment where they were referred to Siwan Sadar Hospital and from there Ashraf Nat further referred to P.M.C.H. Patna for better treatment. The several persons have seen the occurrence.

It has been submitted on behalf of the petitioner that the petitioner has got no criminal antecedent. The petitioner is in custody since 19.03.2015 and the charge sheet has been submitted in the case. There is no allegation of tampering of the evidence against the petitioner. The death has taken place after twenty days of the alleged occurrence. Hence, admittedly the death is not due to primary haemorrhage rather the same is due to secondary haemorrhage. It is a case and counter case between the parties. The petitioner is alleged to have given a single blow upon the

deceased. .

On behalf of the State it has been submitted that the petitioner is named in the F.I.R.

Considering the aforesaid facts and circumstances, let the petitioner above named, be released 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 C.J.M., Siwan, in connection with Hussainganj P.S. Case No. 282/2014.

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(Sudhir Singh, J)