

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.55581 of 2015

Arising Out of PS.Case No. -62 Year- 2015 Thana -NIMCHAKBATHANI District- GAYA

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Chandan Kumar, Son of Hriday Sharma alias Hriday Singh, Resident of
Village-Makhdumpur, P.S. Khijarsarai, District Gaya

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Gouranga Chatterjee

For the Opposite Party/s : Mr. Madhuranand Jha(App)

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CORAM: HONOURABLE MR. JUSTICE MUNGESHWAR
SAHOO

ORAL ORDER

2 14-12-2015 Heard the learned counsel, Mr. Gouranga Chatterjee for
the petitioner and learned A.P.P. for the State.

The petitioner, namely, Chandan Kumar is in custody in
Nimchak Bathani P.S. Case No.62 of 2015 under Sections 341,
323, 325, 307, 302, 147, 148, 149, 504 of the Indian Penal Code.

According to the prosecution case, the informant lodged
F.I.R. alleging that the petitioner and other co-accused named in
the F.I.R. in connection with preparation of chicken abused Baiju
and on his protest, this petitioner assaulted Baiju with an iron rod
on right side of his head and other co-accused also assaulted with
lathi. Baiju was taken to hospital where he died on the next day.

The learned counsel for the petitioner submitted that the
Doctor found only one assault on the head and, therefore, the
allegation that the other co-accused persons also assaulted the

deceased is false and further according to the learned counsel, there was free fighting between the parties and in course of that free fighting, the deceased received injury and he died.

Admittedly, the petitioner is named in the F.I.R. and the allegation is that this petitioner assaulted with iron rod on the head of the deceased. According to the petitioner himself, the Doctor also found only one injury on the head of the deceased. The deceased died on the next day in the hospital.

In view of the above facts that there is direct allegation of assault as a result of which, the deceased has died.

Accordingly, the prayer for bail is hereby rejected.

(Mungeshwar Sahoo, J)

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