

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.42522 of 2013

Arising Out of PS.Case No. -48 Year- 2013 Thana -OBRA District- AURANGABAD

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Banshi Chaudhary S/O Ramu Chaudhary Resident Of Village- Jamuhara
Tola, Rampura, P.S- Obra, District- Aurangabad.

.... Petitioner/s

Versus

The State Of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Lal Bahadur Singh

For the Opposite Party/s : Mr. Nagendra Prasad (APP)

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CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR
MANDAL
ORAL ORDER

5 14-05-2015 Heard learned counsel for the petitioner and the APP

for the State.

The petitioner is facing charges punishable under
section 302 IPC in Obra P.S. Case No. 48 of 2013 and seeks bail.

As per the prosecution case, the daughter of the informant was
being assaulted by the petitioner. When the deceased and his wife
intervened it is alleged that they were also assaulted. The husband
of the informant received injury on his head. Two days thereafter
he died.

The counsel for the petitioner submits that both parties
are agnates. The deceased was in the habit of taking wine and
liquor and quarreling with all villagers including the wife. He
was not treated at the hospital before the death, whereas others

were treated at the hospital. The petitioner is in custody since 06.04.2013.

The learned APP, on the other hand, submits that the witnesses have supported the allegation levelled in the case diary. The post mortem report conducted on the deceased on 28.03.2013 suggests the massive intracerebral haemorrhage caused by lacerated wounds over the skull resulting in death of the deceased.

Regard being had to above, this Court is not inclined to grant bail to the petitioner. His prayer for bail is rejected.

However, considering the fact that he is in custody for more than two years, this Court observes that if the trial of the case is not taken up within six months from the date of receipt/production of a copy of this order in the court below, the petitioner will be at liberty to move this Court for bail.

(Kishore Kumar Mandal, J)

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