

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.28655 of 2015

Arising Out of PS.Case No. -163 Year- 2014 Thana -DHANAHA District-
WESTCHAMPARAN(BETTIAH)

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1. Ramdeo Chaurasiya Son of Late Jai Ram Chaurasiya
2. Sukat Chaurasiya Son of Ramdeo Chaurasiya Residents of Vill. -
Ramnagari, P.S. - Dhamha, District - West Champaran.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bimlesh Kumar Pandey

For the Opposite Party/s : Mr. Raj Ballabh Singh (App)

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR

JHA

ORAL ORDER

2 23-07-2015

Heard both sides.

As prayed for, learned counsel for the petitioners
is allowed to make necessary correction in paragraph 7 of the bail
petition with regard to the case particular.

The petitioners apprehend arrest in a case under
sections 307 and other allied sections of the Indian Penal Code
and later on section 302 of the Indian Penal Code was added.

The informant made an allegation that the
petitioners came to his field and began to assault the informant and
others. Kailash Chaurasia assaulted Baliram Kushwaha with iron
rod on his head. Baliram died during the course of treatment.

It is submitted that the petitioners are not the
assailants of Baliram Kushwaha and other persons got injuries
caused by hard and blunt substance and the injuries are simple in
nature. The informant and others got hard and blunt injuries, some

of which are of course grievous in nature.

It is submitted that similarly situated co-accused, Krishna Chaurasia has already been granted regular bail by order dated 18.03.2015 vide Criminal Misc. No. 11281 of 2015.

Having considered the fact that the petitioners are alleged to have indiscriminately assaulted the informant and others, the petitioners are not the assailant of the deceased Baliram Kushwaha but other persons got injuries, some of which are grievous in nature caused by hard and blunt substance, I am not inclined to grant the privilege of anticipatory bail to the petitioners in connection with Dhanaha P.S. Case no. 163 of 2014 pending in the court of the learned Additional Chief Judicial Magistrate, Bagaha, West Champaran. This application for grant of anticipatory bail is hereby rejected.

If the petitioners surrender in the court below within four weeks, the court below shall consider the bail application of the petitioners on its own merit taking into consideration that similarly situated co-accused, namely, Rajesh Chaurasia and Krishna Chaurasia have already been granted regular bail.

(Prabhat Kumar Jha, J)

Amin/-

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