

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.28302 of 2015

Arising Out of PS.Case No. -90 Year- 2012 Thana -CHAINPUR District- BHABHUA (KAIMUR)

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Manoj Chourasia son of Nand Lal Chourasia Resident of village - Sirvit,
P.S. - Chainpur, District - Kaimur at Bhabua.

.... Petitioner

Versus

The State of Bihar.

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Rajani Kant Pandey, Adv.

For the Opposite Party/s : Mr. Ram Chandra Singh (App)

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA
ORAL ORDER

4 30-11-2015

Heard both sides.

The petitioner apprehends his arrest in Chainpur P.S.
Case No. 90/2012, registered for the offences punishable under
Section 302 and other Sections of the Indian Penal Code.

The informant made very specific allegation that
Baleshwar Chaurasia and this petitioner assaulted her husband
with knife causing death of her husband. Other accused persons
assaulted on the other parts of body of her husband with iron rod.

Learned counsel for the petitioner submits that the
police after investigation submitted charge-sheet. There is one
lacerated wound on the head of the deceased. Baban Chaurasia,
Rakesh Chaurasia and J.P. Chaurasia have already been enlarged
on anticipatory bail vide order passed in Cr. Misc. No.

49940/2014. The police also did not find the case true against the petitioner, but prayer for bail of the petitioner was rejected on the ground that there is specific allegation against the petitioner that the petitioner assaulted the deceased with dagger on his head.

Sri Pandey, learned counsel for the petitioner further submits that only one lacerated wound was found on the head. Baleshwer Chaurasi is also alleged to have assaulted the deceased with dagger. He has already been granted regular bail vide order passed in Cr. Misc. No. 50104/2012.

It appears that the petitioner and Baleshwar Chaurasia are alleged to have assaulted the deceased with dagger on the head and other co-accused also assaulted with hard blunt object on the other parts of body. Of course the police submitted final form against the petitioner on the ground of alibi, but the learned Judicial Magistrate took cognizance after finding sufficient material against the petitioner.

Considering the nature of allegations made against the petitioner, I am not inclined to enlarge the petitioner above named on anticipatory bail. Accordingly, the same is rejected.

The petitioner, if so advised, may surrender before the court below within four weeks from the date of receipt/production of a copy of this order and pray for regular bail and his prayer

shall be considered taking into consideration that on same and similar allegation Baleshwar Chaurasia has already been granted regular bail. The court below shall dispose of the bail petition of the petitioner preferably on the same day.

(Prabhat Kumar Jha, J.)

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