

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.34836 of 2014

Arising Out of PS.Case No. -57 Year- 2014 Thana -KAUAKOL District- NAWADA

Jagarnath Chaudhary son of Lakhan Chaudhary, resident of village Taraun,
P.S. Kawakole, Dist. Nawada

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Birendra Kumar

For the Opposite Party/s : Mr. Shantanu Kumar (App)

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA
ORAL ORDER

3 19-01-2015

Heard both sides.

The petitioner seeks bail in Kawakole P.S. Case No. 57
of 2014 registered under section 302/34 of the Indian Penal Code.

It is alleged that on 11.05.1914 at 10 O'clock in the
morning there was altercation between his father Brahamdev Chaudhary
and Raj Kumar Chaudhary near a tody shop of Balmiki Chaudhary.
Thereafter Raj Kumar Chaudhary, Jagarnath Chaudhary, Ravi Chaudhary
and Bihari Chaudhary having armed with lathi came near the house of the
informant and abused his father And threatened to kill. It is further alleged
that his father went to attend call of nature. At 4.30 evening some villagers
informed the informant that his father was laying unconscious near a
Pipal tree.

Learned counsel for the petitioner submits that there
is no eye witness of the occurrence but during the course of investigation
the informant improved his case and disclosed that he saw the
occurrence. Similarly the wife and sister-in-law(Bhabhi) of the

informant stated in paragraphs 7 and 8 of the case diary that when they came out from the house they saw the petitioner and others assaulting Brahamdev Chaudhary the father of the informant. It is stated that when the inmates of the house had seen the occurrence they would have disclosed the same immediately after the occurrence.

The informant had not seen the occurrence and during the course of investigation it appears that the inmates of the house after recovery of the dead body disclosed that they had seen the petitioner and others assaulting Brahamdev Chaudhary but if they had seen the occurrence they would have immediately informed the informant.

Having considered the facts and circumstances of the case the above named petitioner is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of like amount each to the satisfaction of Chief Judicial Magistrate, Nawada in Kawakole P.S. Case No. 57 of 2014.

(Prabhat Kumar Jha, J)

M.Rahman/-

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