

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.49328 of 2015

Arising Out of PS.Case No. -174 Year- 2014 Thana -NARAHAT District- NAWADA

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1. Dhanraj Chauhan Son of Late Lala Chauhan
2. Ashok Chauhan Son of Nand Kishore Chauhan
3. Rambalak Chauhan Son of Late Sita Ram Chauhan All are resident of
Village - Laxmipur, P.S. - Sitamarhi, District - Nawada.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sheo Kumar Prasad

For the Opposite Party/s : Mr. Ram Sumiran Rai (App)

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA

ORAL ORDER

3 16-12-2015

Heard learned counsel for the petitioners and learned
A.P.P. representing the State.

Petitioners seek bail in connection with Narahat
(Sitamarhi) P.S. Case No. 174 of 2014 registered for the offences
punishable under Sections 147, 148, 149, 323, 504, 307, 341, 302
of the Indian Penal Code.

Allegedly for playing cassette, some altercation took
place between Rajesh Chauhan and Mithun Chauhan (deceased)
and thereafter the petitioners and other co-accused came being
armed and co-accused Vijay Chauhan assaulted Mihtun Chauhan
with iron rod on his head whereas, other co-accused assaulted
others and Mithun Chauhan succumbed to the injuries.

Submission is of false implication and that the
petitioners are not the assailant, specific allegation is against Vijay

Chauhan for assaulting the deceased and in this case, co-accused Rajesh Chauhan and Mukesh Chauhan have been allowed bail vide order dated 03.03.2015 passed in Cri. Misc. No. 8406/15 by another co-ordinate Bench of this Court and, as such, the petitioners who are suffering in custody since 3.08.2015 and 09.07.2015, deserve sympathetic consideration to which the learned A.P.P. does not dispute.

In the facts and circumstances stated above, the petitioners are also directed to be released on bail on execution of bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the Learned C.J.M., Nawada arising out of Narahat (Sitamarhi) P.S. Case No. 174/14 subject to the conditions that one of the bailors must be near relative and another having sufficient immovable property within the territorial jurisdiction of the court concerned and the petitioners shall remain present on each and every date during trial and the default on two consecutive dates on their part without any reason shall disentitle the petitioners from privilege of bail.

sushma/-

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(Jitendra Mohan Sharma, J)