

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.6180 of 2016

Arising Out of PS.Case No. -293 Year- 2015 Thana -NAUTAN District-
WESTCHAMPARAN(BETTIAH)

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Yogendra Chaudhary @ Tinayee Chaudhary Son of Shri Yadolal Chaudhary, Resident of Village - Khadda Bangala Tola, Police Station - Nautan, District - West Champaran.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Brij Kishor Mishra, Advocate.

For the Opposite Party : Mr. L.K. Sharma (APP)

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

3 06-04-2016 Heard learned counsel for the petitioner and learned
A.P.P. representing the State.

The petitioner seeks bail in connection with Nautan P.S. Case No. 293 of 2015 registered for the offences punishable under Sections 147, 148, 149, 341, 325 and 302 of the Indian Penal Code.

Allegedly, co-accused Manu Chaudhary and the petitioner assaulted Nakhe Sah, the younger brother of the informant with iron Gupti on his chest and back, others were assaulted with lathi and danda and during treatment, Nakhe Sah died.

Submission is of false implication and that during investigation eyewitnesses Sita Devi and Amika Sah have stated in para-7 and 8 of the case diary that Manu Chaudhary pierced Gupti

at first and the petitioner was also piercing Gupti to Nakhe Sah but during postmortem examination only one injury has been found and as such, the petitioner is not the assailant rather Manu Chaudhary is the assailant.

Learned A.P.P. fairly submits that during postmortem only one incised wound was found and it was Manu Chaudhary, who has first pierced Gupti.

In the facts and circumstances stated above, the petitioner above named is directed to be released on bail on execution of bail bond of Rs. 10,000/- (ten thousand) with two sureties of like amount each to the satisfaction of learned Chief Judicial Magistrate, Bettiah, West Champaran, in connection with Nautan P.S. Case No.293 of 2015, subject to 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 petitioner shall remain present on each and every date during trial and the default on two consecutive dates on his part without any reason shall disentitle the petitioner from privilege of bail.

(Jitendra Mohan Sharma, J.)

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