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IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.6506 of 2016

Arising Out of PS.Case No. -51 Year- 2015 Thana -AJIMABAD District- BHOJPUR

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1. Manoj Chaudhary S/o Ghurbigan Chaudhary, R/o Village- Bargaon, P.S.- Azimabad, District- Bhojpur.... .... Petitioner

Versus

1. The State of Bihar .... Opposite Party

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Appearance :
For the Petitioner/s : Mr. Arun Kumar
For the Opposite Party/s : Mr. B.N. Pandey (App)

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA

ORAL ORDER

4 07-04-2016 Heard learned counsel for the petitioner and learned APP for the Sate.

The petitioner seeks bail in connection with Azimabad P.S. Case No. 51 of 2015 registered for the offence punishable under Sections 364/34 of the Indian Penal Code in which Sections 302, 201 IPC were added later on.

Allegedly, 24 accused persons named in the first information report including the petitioner caught the father of the informant and started assaulting him with lathi, stick and bricks and the informant fled away from there and thereafter, the dead body of the father of the informant was recovered.

Submission is of false implication and that there is general and omnibus allegation against the petitioner and others to cause injury to the deceased. In post mortem report no external injury was found rather cause of death has been found due to strangulation, as a matter of fact due to caste rivalry the petitioner has been implicated and he is

suffering in custody since 29.10.2015 whereas another similarly situated co-accused Manoj Manjul has already been allowed bail vide Cr. Misc. No. 1668 of 2016 by another co-ordinate Bench of this Court to which learned APP duly assisted by learned counsel for the informant opposes the prayer of bail by submitting that the petitioner and other co-accused after forming unlawful assembly and in prosecution of common object have committed the murder of the father of the informant.

In the facts and circumstances stated above, considering that co-accused has been allowed bail, 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 the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Bhojpur at Ara in connection with Azimabad P.S. Case No. 51 of 2015, subject to the conditions that one of the bailors must be a 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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