

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.10396 of 2016

Arising Out of PS.Case No. -51 Year- 2015 Thana -AKBARPUR District- NAWADA

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1. Sanjay Chaudhary son of Sri Bishundeo Chaudhary @ Amirak Chaudhary, resident of Village- Jawahar Chak, Parwati, P.S. Katri Sarai, Dist- Nalanda.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Birendra Kumar

For the Opposite Party/s : Mr. Manoj Kumar-I(App)

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

4 27-04-2016

Heard the learned counsel for the petitioner as well as

the learned A.P.P for the State.

The petitioner seeks bail in a case for the offences punishable under sections 147, 148, 149, 341, 323, 504, 307 and 302 of the I.P.C

Allegedly, Shyam Sunder Chaudhary caught the father of the informant and the petitioner gave khanti blow on the head of father of the informant resulting he fell down and other accused persons also assaulted him and when the informant, Arun and Indal went for rescue then Arun Chaudhary assaulted the informant with iron rod and the petitioner assaulted Indal with khanti on his head. During treatment Baleshwar Yadav, the father

of the informant, died.

Submission is of false implication, due to the land dispute the occurrence has taken place, there was no motive to commit murder, at the spur of moment the occurrence has taken place, only two injuries have been found on the persons of the deceased though there is allegation for assaulting him by eleven accused persons and as such the petitioner deserves sympathetic consideration as there is case and counter case.

The learned A.P.P. opposes prayer for bail by submitting that head injury has been found on the person of the deceased and that was caused by the petitioner.

In the facts and circumstances as stated above, considering the allegation attributed against the petitioner, serious in nature, I am not inclined to enlarge the petitioner on bail and accordingly his such prayer stands rejected in connection with Akbarpur P.S. Case No. 51 of 2015 pending in the court of A.C.J.M.-II, Nawada.

(Jitendra Mohan Sharma, J)

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