

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.19861 of 2016

Arising Out of PS.Case No. -197 Year- 2015 Thana -HASPURA District- AURANGABAD

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1. Kundan Choudhary, S/o Sri Kailash Choudhary.
 2. Kailash Choudhary, S/o Late Somar Choudhary, Both R/o Kunja Bigha, P.S.- Haspura, Dist- Aurangabad.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Binay Kumar, Advocate
For the Opposite Party/s : Mr. Ajit Kumar(APP)

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CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA
ORAL ORDER

4 12-07-2016 Heard learned counsel for the petitioners and the learned A.P.P. for the State.

The petitioners are accused in connection with Haspura P.S. Case No. 197 of 2015 registered under Section 341, 323, 307 and 504/34 of the Indian Penal Code and later on Section 302 of the Indian Penal Code has also been added.

The allegation of informant, Saraswati Devi, is that on 17.12.2015 her neighbour, Wakil Choudhary, came and asked her to clean the drain then she replied that after finishing the work she will clean the drain. Thereafter, Chandan Choudhary along with petitioners came armed with lathi, Balatha and started to abuse. The husband of the informant and son came there then on the order of Wakil Choudhary, all accused started to cause assault to her husband and son, in which, received injury on their head. Later

on, her husband died in course of treatment.

Learned counsel for the petitioners submits that it would appear from the F.I.R. that there is general and omnibus allegation against the petitioners and others to cause head injury but only one injury was found on the person of the deceased. Rakhi Kumari, the daughter of informant has stated in her statement as detailed in paragraph 7 of the case diary that accused Chandan Kumar assaulted to his father. Further submission is that petitioners have no criminal antecedent and are in custody since 21.01.2016.

Having regard to the facts and the circumstances of the case, the petitioners above named, are directed to be released on bail on furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the SDJM, Daudnagar, Aurangabad (Bihar) in connection with Haspura P.S. Case No. 197 of 2015. Out of two sureties, one surety must be the close relative of the petitioners.

(Rajendra Kumar Mishra, J)

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