

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.51416 of 2015

Arising Out of PS.Case No. -48 Year- 2013 Thana -JALE District- DARBHANGA
=====

1. Rajesh Chaupal S/o Bindeshwar Chaupal, Resident of Village- Debra
Bandhauli, P.S. Jalley, District- Darbhanga.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s
=====

Appearance :

For the Petitioner/s : Mr. Shambhu Sharan Singh

For the Opposite Party/s : Mr. M.K. Nirala (App)
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**CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN
SHARMA**
ORAL ORDER

4 23-02-2016 Heard learned counsel for the petitioner and learned
counsel representing the State.

Petitioner seeks bail in connection with Jalley P.S. Case
No. 48 of 2013 registered for the offences punishable under
Sections 341, 323, 324, 307, 504/34 of the Indian Penal Code in
which Section 302 IPC was added subsequently.

Allegedly, the petitioner and co-accused Rakesh
Chaupal assaulted the son of the informant with knife on his head
causing cut and bleeding injury and when Niro Devi, the wife of
the informant, went for rescue she was assaulted by co-accused
Bindeshwar Chaupal with handle of hand pump and during
treatment Niro Devi died.

Submission is of false implication and that in this case
co-accused Rakesh Chaupal and Bindeshwar Chaupal have been

allowed pre-arrest bail vide order dated 23.10.2013 passed in Cr. Misc. No. 44244 of 2013, the petitioner is not the assailant of the deceased, the son of the informant has received simple injury, the petitioner who is suffering in custody since 14.08.2015 deserves sympathetic consideration.

Learned APP submits that co-accused Bindeshwar Chaupal gave fatal blow to Niro Devi.

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 the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Darbhanga in connection with Jalley P.S. Case No. 48 of 2013, 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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