

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.4554 of 2016

Arising Out of PS.Case No. -135 Year- 2015 Thana -SIRDALA District- NAWADA

- =====
1. Chanirak Chauhan son of Chauthi Chauhan
 2. Lakshman Chauhan @ Lakshman Chauhan Son of Dwarik Chauhan
- Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Deepak Kumar, Advocate

For the Opposite Party/s : Mr. Arun Kumar(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 03-02-2016 Heard learned counsels for the petitioners and the

State.

The petitioners are apprehending arrest in a case registered for the offences punishable under sections 341/323/302/34 of the Indian Penal Code.

It is alleged that son of the informant Chhote Lal Chauhan came in intoxicating condition and started abusing the villagers. On protest being made, son of the informant went outside with 'lathi' then the wife of the informant also went to stop her son when the petitioners came and assaulted the son of the informant with 'lathi'. In the meantime, the wife of the informant received injuries on the her chest and succumbed to the injuries.

It is submitted by learned counsel for the petitioners

that even assuming the accusation no offence under section 302 of the Indian Penal Code is made out as the petitioners have no intention to kill the wife of the informant. Moreover, the informant has subsequently retracted from initial version and has filed a petition to that effect before the learned court below, the same has been brought on record as annexure-2 to the petition.

It is further submitted that the FIR itself stipulates that the informant did not see whose assault caused injury to whom.

The aforesaid facts constitute ground for consideration of prayer for regular bail.

Let the learned Court below consider the prayer for regular bail of the petitioners, if the petitioners surrender within a period of six weeks in connection with Sirdala (Meskaur O.P.) P.S. Case No.135/2015, pending before the learned Judicial Magistrate, 1st Class, Nawada.

With the above observation, this application is, accordingly, disposed off.

(Dinesh Kumar Singh, J)

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