

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.35397 of 2016**

Arising Out of PS.Case No. -337 Year- 2012 Thana -KUSHESHWARSTHAN District-  
DARBHANGA

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1. Jai Govind Choudhary Son of Tara Chaudhary Resident of Village-  
Hirni, Police Station- Kusheshwar Asthan, District Darbhanga.

.... .... Petitioner/s

Versus

1. The State of Bihar

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

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**Appearance :**

For the Petitioner/s : Mr. Pramod Kumar Singh

For the Opposite Party/s : Mr. Sri Sanjay Kumar Pandey

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**CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR SRIVASTAVA**  
**ORAL ORDER**

3      01-09-2016

Heard learned counsel for the petitioner as well as

learned Additional Public Prosecutor for the State.

Petitioner seeks bail in a case registered under  
Sections-302, 307 & other minor sections of the Indian Penal  
Code.

It is specific case of the prosecution that co-accused,  
Ram Subodh Choudhary gave FATTA blow, causing injury to the  
deceased and after that, the petitioner and three others, too,  
assaulted him by means of Lathi and Danda.

Submission on behalf of the petitioner is that the  
postmortem report of the deceased goes to show that cause of  
death of the deceased was his head injury, which is attributed to  
co-accused Ram Subodh Choudhary. It is further submitted that  
co-accused, Ram Subodh Choudhary, against whom, there is

allegation of causing head injury to the deceased, has already been granted privilege of bail by order dated 16-12-2015 passed in Cr. Appeal (D.B.) No. 871 of 2015.

From perusal of the impugned order, I find that co-accused, Ram Subodh Choudhary was convicted by the trial court and after that, aforesaid co-accused, Ram Subodh Choudhary preferred Cr. Appeal before Division Bench of this court and after that, he was granted bail. Moreover, only two injuries were found on the scalp of the deceased and the aforesaid injuries appear to be attributed to co-accused, Ram Subodh Choudhary.

No doubt, prayer for anticipatory bail of the petitioner was rejected on 08-10-2013 passed in Cr. Misc. No. 29867 of 2013 and after that, he surrendered on 25-02-2016 but taking note of the aforesaid submission of the parties, let the petitioner named above, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each in connection with Kuseswar Asthan P.S. Case No. 337 of 2012 corresponding to Sessions Trial No. 79A of 2014 to the satisfaction of learned Additional Sessions Judge-Ist, Benipur, District-Darbhanga.

**(Hemant Kumar Srivastava, J)**

A.K.V./-

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