

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.7684 of 2016**

Arising Out of PS.Case No. -402 Year- 2012 Thana -RAMNAGAR District-  
WESTCHAMPARAN(BETTIAH)

=====

1. Rameshwar Chaudhary, Son of Late Baban Chaudhary Resident of  
Village- Khajuria, P.S.- Ramnagar, District- West Champaran.

.... .... Petitioner/s

Versus

1. The State of Bihar

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

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**Appearance :**

For the Petitioner/s : Mr. Anand Kishore Choudhary

For the Opposite Party/s : Mr. Yogendra Kr. Singh(App)

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**CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN  
SHARMA**  
**ORAL ORDER**

4      03-05-2016                      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, 342, 323, 324, 307  
and 302 of the I.P.C

Allegedly, for cutting the Shisam tree altercation  
started and Algu Choudhary was assaulted by Janak Choudhary,  
the petitioner and Karan Choudhary and others were also assaulted  
by other co-accused and further Algu Choudhary was closed in the  
house of the petitioner where he was brutally assaulted. However,  
with the help of the villagers Algu Choudhary was brought for  
treatment, but during treatment Algu Choudhary died.

Submission is of false implication and that there is general and omnibus allegation, there is case and counter case bearing Ram Nagar P.S. Case No. 403 of 2012, the injuries found on the body of the deceased was caused by the hard and blunt substance and the petitioner is suffering in custody since 26.06.2015, whereas, other co-accused including Karan Choudhary have already been allowed bail.

The learned A.P.P. opposes prayer for bail by submitting that the petitioner has also assaulted the deceased and further in the house of the petitioner the deceased was assaulted brutally.

In the facts and circumstances as stated above, considering that charge sheet has already been submitted and there is no chance of tampering with the prosecution evidence, other co-accused have already been allowed bail and as such the petitioner is directed to be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of 2<sup>nd</sup> Additional Sessions Judge, Bagaha, West Champaran in S. Tr. No. 397 of 2015 arising out of Ram Nagar P.S. Case No. 402 of 2012, 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)**

Abhay/-

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