

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.55450 of 2015

Arising Out of PS.Case No. -51 Year- 2015 Thana -AKBARPUR District- NAWADA

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1. Santosh Chaudhary S/O Krishna Chaudhary
 2. Yamuna Chaudhary S/O Krishna Chaudhary. Both Resident of village-
Devra, P.S.- Akbarpur, District- Nawada

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Krishna Deo Raj, Advocate

For the Opposite Party/s : Mr. Akbar Ali (APP)

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 20-01-2016 Heard learned counsel for the petitioners and the

learned A.P.P. for the State.

Petitioners are languishing in jail custody since
16.09.2015 in connection with Akbarpur P.S. Case No. 51 of 2015
registered for the offences punishable under Sections 302, 307 and
other allied Sections of the Indian Penal Code.

The prosecution case, in brief, is that the informant
gave fardbeyan to Akbarpur Police Station, alleging therein that
on 07.03.2015 at about 2:30 P.M. his father (deceased) was going
to purchase household articles and when he reached near the lane
of Sanjay Chaudhary, accused Shyam Sundar Chaudhary caught
his father and Sanjay Chaudhary gave a Khanti blow on his head,
as a result of which, his father became injured. Thereafter, all the



accused persons, including these petitioners, who were present there from before, started assaulting the father of the informant with the weapons in their hands. On hearing hulla, when informant, Arun and Indal came running to the place of occurrence to save the father of the informant, Arun Chaudhary assaulted the informant with rod, Sanjay Choudhary assaulted Arun with Khanti and Rohi Chaudhary assaulted Indal with rod, resultantly, they fell on the ground and thereafter all the accused persons assaulted them with fits and slaps. They became injured. The occurrence took place due to old enmity. They were taken to hospital at Nawada where father of the informant died during treatment.

It is submitted by the counsel for the petitioners that the petitioners have no criminal antecedent and the main allegation is against one Sanjay Chaudhary, who is said to have assaulted the deceased father of the informant with Khanti on his head. Furthermore, it has been submitted that no specific allegation is attributable to these petitioners.

Coordinate Benches of this Court have since granted the privilege of bail to other co-accused having similar allegation under orders dated 27.07.2015, 19.08.2015 and 23.09.2015 passed in Cr. Misc. Nos. 26091 of 2015, 31445 of 2015 and 24579 of 2015 respectively. I do not propose to take different view in the

matter.

Learned A.P.P. appearing for the State, however, submits that the petitioners are named in the First Information Report, although the allegation against these petitioners are omnibus and not specific

Under the aforesaid facts and circumstances, let the petitioners, named above, be enlarged on bail on furnishing bail bonds of Rs. 10,000/- (Rs. Ten thousand only) each with two sureties of the like amount each to the satisfaction of Chief Judicial Magistrate, Nawada in connection with Akbarpur P.S. Case No. 51 of 2015.

(Nilu Agrawal, J.)

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