

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.19853 of 2017

Arising Out of PS.Case No. -435 Year- 2016 Thana -KAHALGAON District- BHAGALPUR

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1. Rohit Choudhary Son of Late Ram Prakash @ Ram Prakash Choudhary
@ Ram Pd. Choudhary, Resident of Village- Khoza Dhanoura, P.S.-
Rasalpur, District- Bhagalpur.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Vivekanand Vivek

For the Opposite Party/s : Mr. Sri Anish Chandra

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

3 22-06-2017 Heard learned counsel for the petitioner and the State.

The petitioner seeks bail in Kahalgaon (Rasalpur) P.S.
Case No. 435 of 2016 corresponding to Sessions Trial No. 251 of
2017 instituted for the offence under Section-302 of the Indian
Penal Code.

As per written report, the petitioner is the main
assailant. There is specific allegation against the petitioner that he
assaulted the brother of the informant with iron rod on the head,
both hands etc. on account of which, he died on the spot.
Thereafter, the petitioner took the dead body of brother of the
informant to his house. The cause of occurrence as alleged is that
the deceased who was husband of sister of the petitioner, had an
altercation with his wife and in retaliation to that, the petitioner



caused the occurrence with the deceased.

The C.D. has been received.

The learned APP has submitted that besides the informant in his further statement, the eye witnesses at paragraphs-22 & 23 of the C.D., have also supported the case and levelled specific allegation against the petitioner of assaulting the brother of the informant. The postmortem report supports the allegation against the petitioner. The doctor has found four injuries on the person of the deceased, caused by hard and blunt substance.

Therefore, this court does not find it a fit case for grant of bail. Accordingly, prayer for bail is rejected at this stage.

The trial court is directed to expedite the trial in accordance with law.

(Sanjay Priya, J)

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