

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.41207 of 2017

Arising Out of PS.Case No. -265 Year- 2015 Thana -JAMUI District- JAMUI

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1. Prakash Chaudhary son of Late Budhan Chaudhary, Resident of Village- Shivandih, Police Station- Jamui, District- Jamui.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rabi Bhushan Prasad No. 1

For the Opposite Party/s : Smt. Indu Bala Pandey

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

3 09-10-2017 The petitioner seeks regular bail in connection with Jamui P.S. Case No. 265 of 2015, registered for offences punishable under Section 302 of the Indian Penal Code.

Allegation against the petitioner, who is full brother of the deceased, is of assaulting the deceased on his nose by a brick, causing his death.

It has been submitted on behalf of the petitioner that in fact the petitioner came on drunken condition and on some hot exchange of words between the petitioner and deceased, petitioner pushed the deceased, who accidentally fell down on cemented toilet tank and due to which he sustained injuries and died, this fact has been supported by other witnesses also. Further petitioner has been in judicial custody since 17.05.2017.

Heard learned A.P.P. also.

Having heard both sides, considering the facts and circumstances of the case and also the fact that the said act of the



petitioner was not intentional, let the petitioner above named, be released on bail on furnishing bail bonds of Rs. 25,000 (Rs. Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Jamui, in connection with Jamui P.S. Case No. 265 of 2015, subject to the following conditions:-

- (i) One of the bailors of the petitioner shall be a local person having sufficient immovable property within the jurisdiction of the concerned Court.
- (ii) The petitioner will not induce any witness or tamper with the evidence.
- (iii) The petitioner shall cooperate in the disposal of trial and make himself available as and when required by the court and on the event of failure on his part to appear before the court below on two consecutive dates without showing any genuine reasons, the prosecution is free to move for cancellation of his bail.

(Vinod Kumar Sinha, J)

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