

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No. 12869 of 2017

Arising out of P.S. Case No. - 217 Year - 2016 Thana - BIBHUTIPUR District - SAMASTIPUR

- =====
1. Chandra Shekhar Choudhary, Son of Late Parmeshwar Choudhary
 2. Munna Choudhary, Son of Chandra Shekhar Choudhary
- Both are resident of village Kalyanpur North, P.S. Bibhutipur,
District Samastipur

.... Petitioners

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioners : Mr. Ashok Kumar Mishra, Advocate

For the Opposite Party : Smt. Gulnar Begam, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

2 17-03-2017 Heard learned counsel for the petitioners and learned
Additional Public Prosecutor for the State.

The petitioners are apprehending their arrest in a case registered for the offences punishable under Sections 341, 323, 325, 379 and 504/34 of the Indian Penal Code.

Allegation against the petitioners is that they assaulted to Anil Ram, the husband of the informant as a result whereof Anil Ram got imbalance.

In the last paragraph of the impugned order, the learned Sessions Judge, Samastipur has observed as follows:-

“Perused the record and case diary. The occurrence is said to have taken place on 23.09.2016 and Anil Ram was examined by Medical Officer PHC Bibhutipur who had found multiple pain upper nose, scratch like wound caused by hard and blunt substance. Later on, this injured died on



04.10.2016. In postmortem report no any external or internal injury was found and death has been opined due to cardio respiratory failure. The deceased was not admitted in hospital. However, matter is still under investigation. So, at once, I do not think it proper to admit the petitioners on anticipatory bail. Hence, prayer of anticipatory bail of petitioners stands rejected.”

Since there is no material to substantiate the allegation either in the injury or post-mortem report.

Let the petitioners, above named, in the event of their arrest or surrender before the Court below within a period of thirty days from the date of receipt of the order, be released on bail on furnishing bail bonds of Rs.10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-IV, Rosera, Samastipur/Successor Court in connection with Bibhutipur Police Station Case No. 217 of 2016, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure as well as condition that the petitioners shall fully co-operate with the investigation and trial of the case, failing which the court below shall be at liberty to cancel the bail bond of the petitioners.

(Birendra Kumar, J)

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