

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.632 of 2017

Arising Out of PS.Case No. -211 Year- 2015 Thana -KATEYA District- GOPALGANJ

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Sandeep Chauhan, S/o Angoor Chauhan, Resident of Village- Jaisauli, P.S.-
Kateya, Distt- Gopalganj.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sushil Kumar, Adv.

For the Opposite Party/s : Mr. Lakshmi Kant Sharma, APP

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA
ORAL ORDER

3 08-03-2017 Heard both sides.

The petitioner apprehends his arrest in Kateya P.S.
Case No. 211/2015, registered for the offences punishable under
Section 307 and other sections of the Indian Penal Code. Later on,
Section 302 of the Indian Penal Code was added.

The informant alleged that while he along with his
brother Kalpnath Choubey, son Amit Choubey were coming after
sowing wheat in their field, Shambhu Chauhan and other accused
persons including the petitioner having armed with different
weapons intercepted them and attacked. Shambhu Chauhan
assaulted the son and brother of the informant. Kalpnath Choubey
brother of informant died during the course of treatment and
thereafter Section 302 of the Indian Penal Code was added.



Learned counsel for the petitioner submits that petitioner is of course, named in the F.I.R., but no specific allegation is made against the petitioner. Shambhu Chauhan is alleged to have assaulted Kalpnath Choubey and Amit Choubey with Farsa on their head. No specific allegation of assault is made against the petitioner, but from perusal of the case diary it appears that witnesses have stated that all other accused persons assaulted the brother and son of the informant. The petitioner and others conspired with each other assembled at the place of occurrence having different arms in their hands. On account of assault made by the accused, Kalpnath Choubey died.

Considering the facts aforesaid, I am not inclined to enlarge the petitioner above-named on anticipatory bail. Accordingly, the same is rejected.

(Prabhat Kumar Jha, J.)

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