

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.52627 of 2017

Arising Out of PS.Case No. -398 Year- 2017 Thana -BAGHA District-
WESTCHAMPARAN(BETTIAH)

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Baidhu Choudhary @ Baidynath Choudhary @ Baidu Choudhary, Son of
Late Kailash Choudhary, Resident of Village-Piparia, P.S.-Bagaha, District-
West Champaran.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Anand Kishore Choudhary, Adv.

For the Opposite Party/s : Mr. Sri Ashok Kumar, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

2 09-11-2017

Heard learned counsel for the petitioner

and learned Additional Public Prosecutor for the State.

The petitioner is apprehending his arrest in
a case registered for the offences punishable under Section
302 of the Indian Penal Code.

According to F.I.R. for land dispute, the
petitioner had allegedly assaulted the elder brother of the
husband of the informant on 10.08.2017. The elder brother
had gone for treatment of the said injury on 15.08.2017 before
a local Doctor and as soon as he reached near the hospital, he
fell down and died.

The learned counsel for the petitioner
submits that there is no ingredient of offence under Section
302 of the Indian Penal Code made out in the facts and
circumstances of this case nor there is explanation for the



delayed treatment of the injury sustained.

On the other hand, learned counsel appearing for the informant submits that the petitioner is notorious criminal, several cases are pending against him, hence, perusal of the case diary would be necessary. The criminal antecedents of the petitioner are disclosed in the bail petition which would reveal that there is trivial nature of allegation.

Let the petitioner, above named, in the event of his 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 bond of Rs.20,000 (Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned court below where the case is pending in connection with Bagaha P.S.Case No.398 of 2017, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure as well as condition that the petitioner shall fully cooperate with the investigation/trial of the case, failing which the court below shall be at liberty to cancel the bail bond of the petitioner.

(Birendra Kumar, J)

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