

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.32446 of 2018

Arising Out of PS.Case No. -29 Year- 2018 Thana -RAJNAGAR District- MADHUBANI

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1. Sampati Chaudhary,
2. Dhanpati Chaudhary,
Both Sons of Late Ram Lochan Chaudhary, R/o Vill.- Nezamat Bhatsimar,
P.S.- Rajnagar, District- Madhubani.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance:

For the Petitioner/s : Mr. Rajesh Kumar

For the Opposite Party/s : Mr. Md. Fahimuddin

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD

ORAL ORDER

2 13-06-2018 Heard learned senior counsel for the petitioner and
learned A.P.P. for the State.

The petitioner is seeking regular bail in Rajnagar P.S.
Case No. 29 of 2018 registered under Sections 341, 323, 325 and
302/34 of the Indian Penal Code.

Learned senior counsel for the petitioner submits that
the parties are own Gotias and the dispute seems to have arisen in
course of fishing in the pond which is jointly owned by the
informant and the deceased sides. It is pointed out that on the
objection raised by the father of the informant, it is alleged that
petitioner no. 1 gave a spade blow on the head of the deceased,
however, there is no repetition of blow and the assault seems to
have been committed in the heat of passion. Learned senior



counsel further submits that the allegations against petitioner no. 2 Dhanpati Chaudhary is that he had also assaulted and injured the father and the mother of the informant, however, there is no injury on the body of the deceased as well as the brother and the mother of the informant which may be attributed to the alleged assault by petitioner no. 2.

Learned A.P.P. for the State is present and has opposed the prayer for bail.

Considering the facts and circumstances of the case where it is alleged that the petitioner no. 1 gave a spade blow on vital part of the body which ultimately proved fatal I am not inclined to grant regular bail to the petitioner no. 1 at this stage.

So far as petitioner no. 2 is concerned, even though allegations are there that he had assaulted the deceased, brother and mother of the informant but the post mortem report which has been enclosed as Annexure-3 to the present application discloses only one injury on the right side of the head attributed to petitioner no. 1, keeping the same in mind, let the petitioner no. 2, namely, Dhanpati Chaudhary be released on bail on his furnishing bail bonds of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Sri Vikash Jha, learned Judicial Magistrate, 1st Class, Madhubani in connection with Rajnagar P.S.



Case No. 29 of 2018, subject to the conditions as laid down under
Section 437(3) Cr.P.C.

The trial court is directed to expedite the trial and the
records, if not committed, be committed to the Court of Sessions
within a period of one month from the date of receipt/production
of a copy of this order.

(Rajeev Ranjan Prasad, J)

Dilip/Anjula/Sanjeev

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