

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.39324 of 2018

Arising Out of PS.Case No. -20 Year- 2017 Thana -ANDHRAMATH District- MADHUBANI

=====

Kari Chaupal S/o Late Agam Chaupal, R/o Vill.- Suba Tola, Chhatapur,
P.S.- Andhramath, District- Madhubani.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Lakshmindra Kumar Yadav

For the Opposite Party/s : Mr. Sri Ram Bachan Singh

=====

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

4 06-09-2018 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner is languishing in judicial custody since
17.03.2017 in connection with Sessions Trial No. 63 of 2018
arising out of Andhramath P.S. Case No. 20 of 2017 for offences
punishable under Sections 147/148/149/341/323/ 324/307/ 504/
506 of the Indian Penal Code.

The prosecution case, as lodged by the informant, is
that while one Rameshwar Chaupal had borrowed Rs. 4000/- cash
from the informant and after several reminders refused to pay
back. The informant was abused and threatened thereafter with
some unknown persons from Nepal, the petitioner along with 11



persons arrived at the house of the informant armed with iron rod, farsa and lathi. When his brother Sandeo Chaupal @ Shyamdeo Chaupal objected he was first hit by co-accused Chotelal Chaupal. Thereafter all the accused persons including the petitioner assaulted him and the informant while being treated in the hospital his brother Sandeo Chaupal @ Shyamdeo Chaupal succumbed to the injuries.

It has been submitted by the learned counsel for the petitioner that he is innocent, bears no criminal history and has been falsely implicated in the aforesaid case. He submits that some of the co-accused named in the F.I.R. has been granted the privilege of pre-arrest bail by this Court as contained in Annexure-2 and 2/A of the present application and that specific allegation of assault on the head is by co-accused Chotelal Chaupal. He further submits that as per the post mortem report there are some injuries in the forearm and right knee but death was due to cerebral damage of the brain and such assault has not been alleged against the petitioner. He further undertakes to co-operate in the trial on day to day basis.

However, learned APP for the State opposes the prayer for bail stating therein that all the accused persons including the



petitioner assaulted the informant's brother as a result he succumbed to the injuries.

Considering the facts and circumstances and the materials on record, let petitioner, above named, be enlarged on bail on furnishing bail bond of Rs.10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-VII, Madhubani, in connection with Sessions Trial No. 63 of 2018 arising out of Andhramath P.S. Case No. 20 of 2017, subject to the conditions that:

(1)) One of the bailors would be a close relative of the petitioner having sufficient immovable property, who will file an affidavit stating his relationship with the petitioner.

(2) Petitioner will appear before the learned court below during trial as and when required and failure to appear on two consecutive dates without assigning any reason will entail cancellation of his bail bonds.

(Nilu Agrawal, J)

Devendra/Priyanka

U		T	
---	--	---	--

