

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.31768 of 2018

Arising Out of PS.Case No. -228 Year- 2017 Thana -GIRIYAK District- NALANDA
(BIHARSHARIFF)

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Dilip Chaudhary, Son of Kuldeep Choudhary, resident of Village Thakur
Bigha, P.S. Giriyak, District- Nalanda.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Arvind Kumar Singh

For the Opposite Party/s : Sri Anil Kumar Singh 1

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CORAM: HONOURABLE MR. JUSTICE SANJAY KUMAR
ORAL ORDER

3 12-07-2018 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

The petitioner seeks bail in connection with Giriyak
P.S. Case No. 228 of 2017 registered for the offences punishable
under sections 341, 323, 504 and 302/34 of the Indian Penal Code.

As per FIR, this petitioner had kept a cow in passage
nearby the house of informant. On the protest of informant, the
petitioner and his family members assaulted the informant and his
son. The allegation against this petitioner is that he assaulted the
son of informant aged about 13 years by iron rod on his head.
The injured was moved to hospital and in course of treatment died
at Patna Medical College Hospital.

It has been submitted that there was absolutely no



motive to commit murder of deceased. In course of scuffle, the son of informant sustained injury on account of falling on the earth. There is also delay of 14 days in lodging the FIR. The petitioner is in custody since 19.01.2018 having clean antecedent and so he deserves bail.

The learned Additional Public Prosecutor on the other hand opposed the submission.

On going through the FIR and material on record, I find that this petitioner is the main accused who had assaulted the son of informant on his head by iron rod. The victim was moved to P.M.C.H. where in course of treatment died after 14 days. The doctor had found fracture in temporal and skull bone of deceased caused by hard and blunt substance.

Considering the specific allegation of assault by this petitioner on the head of son of informant resulting death of deceased, I am not inclined to grant him bail. His bail prayer stands rejected.

(Sanjay Kumar, J)

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