

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.75313 of 2018**

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

Rameshwar Chaupal, Son of Kunji Lal Chaupal, Resident of Village- Suba
Tola, Chhatapur, P.S.- Andhramath, District- Madhubani.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr.Lakshmindra Kumar Yadav, Advocate.
For the Opposite Party : Mr. Umeshnand Pandit, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

4 09-04-2019 Learned counsel for the petitioner is permitted to
make necessary corrections in paragraph no. 1 and prayer
portion of bail application, in course of the day.

Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner is languishing in custody since
17.03.2017 in a case for the offence registered under Sections
147, 148, 149, 341, 323, 324, 307, 504, 506 of the IPC. Later on
Section 302 of the IPC was also added.

The prosecution story, in brief, is that co-accused
Rameshwar Chaupal took Rs. 4,000/- from the informant on
promise that he will return the same after 15 days. The
informant demanded the said money on 05.03.2017, due to that,
altercation took place in between them. On 13.03.2017,
Rameshwar Chaupal, son of Kunji Lal Chaupal (petitioner) and



co-accused Chhotelal Chaupal, Kari Chaupal, Durgi Devi, Parmeshwari Devi, Chandani Devi, Geeta Devi, Janki Devi, Rameshwar Chaupal, son of not known, Sukal Chaupal, Satya Narayan Chaupal and Ramphal Chaupal hired some criminals from Nepal and came to his Drawaza variously armed with Lathi, rod, Farsa and started abusing him. On hearing hulla, his brother Sandeo Chaupal @ Shyamdeo Chaupal came out and forbade the accused persons from abusing on which co-accused Chhotelal Chaupal assaulted him with Lathi on the head of his brother with intention to kill him and thereafter other accused persons also assaulted to Sandeo Chaupal @ Shyamdeo Chaupal. When the informant went to save his brother then co-accused Rameshwar Chaupal gave Farsa blow on the head of the informant causing head injury.

It has been submitted by learned counsel for the petitioner that the petitioner has got no criminal antecedent. Charge sheet has been submitted in the present case. There is no allegation of tampering with the witnesses alleged against the petitioner. The petitioner has falsely been implicated in the present case. General and omnibus allegation has been made against the petitioner for assaulting the deceased. No overt act has been alleged against the petitioner for causing injury upon



the deceased. Specific allegation of assault is alleged against co-accused Chhote Lal Chaupal who is alleged to have assaulted upon the head of the deceased. Post mortem report also corroborates the allegation made in the F.I.R. As far as injury report of the informant is concerned, nature of injury is said to be simple. The petitioner is alleged to have caused injury to the informant. As per the injury report, the said injury is said to be simple.

On behalf of the learned counsel for the State, it has been submitted that the petitioner is named in the F.I.R./ complaint case.

Considering the aforesaid facts and circumstances, let the petitioner above named, be released on bail on furnishing bail bonds of Rs.10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge, Jhanjharpur, District-Madhubani or any other successive learned court, in connection with Andhramath P.S. Case No. 20/2017, corresponding to S.T. No. 63/2018.

(Sudhir Singh, J)

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