

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71800 of 2019**

Arising Out of PS. Case No.-116 Year-2019 Thana- KASHICHAK District- Nawada

SATISH CHAUDHARY Son of Awadh Chaudhary Resident of Village -
Harihar Bigha, P.S.- Kashi Chak, District - Nawada.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Krishna Deo Raj
For the Opposite Party/s : Mr.Anil Kumar Singh No. 1

**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER**

2 27-11-2019 Heard learned counsels for the parties.

The petitioner is apprehending arrest in a case registered for the offences punishable under Sections 323,341,307,504 and 302/34 of the IPC.

The prosecution case as per the Fardbeyan of Jawahar Manjhi recorded by ASI Shyamal Kant Jha on 27.7.2019 is to the effect that the informant's son Nabdu alias Nandu Manjhi was sitting near a banyan tree, in the meantime, co-accused Awadh Chaudhary was passing over when the leg of the informant's son touched the co-accused Awadh Chaudhary which infuriated him and he started abusing. On protest being made, all the accused persons started assaulting him. It is specifically alleged against co-accused Awadh Chaudhary that he assaulted the informant's son



with a wooden plank on his head. Subsequently, the informant's son was taken to Sheikhpura hospital but he succumbed to the injury.

It is submitted by learned counsel for the petitioner that the specific accusation of assault is against co-accused Awadh Chaudhary and the postmortem report suggests only one injury on the body of the victim, due to which death was caused. Statement has been made in paragraph 3 of the petition that the petitioner is not having any criminal antecedent.

Learned APP submits that the petitioner is named in the FIR.

Considering the omnibus and general nature of accusation of assault against the accused persons including the petitioner which is not being corroborated by the medical opinion, the postmortem report suggests only one injury on the body of the victim caused by co-accused Awadh Chaudhary, coupled with the statement made in paragraph 3 of the petition that the petitioner is not having any criminal antecedent, let the petitioner above named be released on anticipatory bail in the event of arrest or surrender within 12 weeks on furnishing bail bond of



Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned ACJM VI, Nawada in connection with Kashichak P.S. Case No.116 of 2019 subject to the conditions laid down in Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

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