

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21444 of 2020

Arising Out of PS. Case No.-63 Year-2019 Thana- NAWADA MUFFASIL District- Nawada

CHAMARI CHAUDHARY Son of Late Aclu Chaudhary Resident of Village-
Kharota, P.S.- Muffasil, District- Nawada.

... .. Petitioner

Versus

THE STATE OF BIHAR

... .. Opposite Party

Appearance :

For the Petitioner/s :	Mr.Birendra Kumar
For the Opposite Party/s :	Mr. Lalan Kumar, APP
For the Informant :	Mr. Sheo Kumar Prasad

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

4 25-01-2021

Heard learned counsel for the parties.

This application for grant of regular bail arises out of Muffasil P.S. Case No. 63 of 2019 registered for the offence punishable under Sections 341, 323, 324, 302, 504, 34 of the Indian Penal Code.

The petitioner is in custody since 21.03.2019. He had approached this Court earlier also for grant of regular bail, which was rejected by an order of this Court dated 06.03.2020 passed in Cr. Misc. No. 77512 of 2019 with liberty to renew his prayer for bail after framing of charge.

Learned counsel appearing on behalf of the petitioner has informed that as a matter of fact charge was framed before the said order dated 06.03.2020 was passed by this Court rejecting petitioner's prayer for grant of regular bail.



His application for bail was earlier rejected noticing the allegation that the petitioner and other co-accused persons had actively participated in commission of the offence leading to death of the deceased. All the accused persons, allegedly, had assaulted the deceased with *lathi* and iron rod leading to his death.

Learned counsel appearing on behalf of the petitioner has submitted that the petitioner and the informant are agnates and because of property dispute, the occurrence had taken place, exaggerated version of which has been narrated in the First Information Report. Referring to the postmortem report and the accusation in the First Information Report, learned counsel for the petitioner has submitted that though there is allegation against the petitioner of having assaulted the deceased in his chest with an iron rod, the post mortem report does not disclose any ante mortem injury caused in the chest of the deceased.

On perusal of the post mortem report, I find substance in the submission made on behalf of the petitioner.

Learned counsel appearing on behalf of the informant has opposed the prayer for bail.

Considering the aforesaid aspect and the fact that



the petitioner is in custody since 21.03.2019 and there is no likelihood of conclusion of trial in near future, this application is allowed.

Let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned A.D.J.-VII, Nawada, in Muffasil P.S. Case No. 63 of 2019.

(Chakradhari Sharan Singh, J)

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