

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6720 of 2021**

Arising Out of PS. Case No.-90 Year-2020 Thana- HATHAURI District- Samastipur

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Dipu Chaudhary @ Dipu Kumar Chaudhary Son Of Kulanand Chaudhary
Resident of Village - Ballipur, P.S.- Hathauri, Distt.- Samastipur.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Ajay Kumar Thakur, Adv.
For the Opposite Party/s	:	Mr. Anil Kumar, APP
For the informant	:	Mr. Ram Bali Jha, Adv.

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**CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER**

3 24-06-2021 Heard learned counsel for the petitioner, learned

counsel for the informant and learned Additional Public

Prosecutor for the State through video conferencing.

The petitioner has filed the instant application for
grant of regular bail in connection with Hathauri P.S. Case no.
90 of 2020 registered under sections 307, 323, 337, 341, 504,
506 and 34 of the Indian Penal Code to which section 304 of the
Indian Penal Code was added subsequently.

As per allegation in the FIR, it is stated that over a
dispute, the accused persons gathered. Amongst them the
petitioner herein assaulted the son of the informant with a
tengari. The son of the informant fell down saving himself. It is
further stated that the other co-accused Tipu Kumar Chaudhary



started to abuse and struck with *kudal* on the head of Suraj as a result of which he fell down. He was admitted for treatment in the hospital.

It is submitted by learned counsel for the petitioner that the allegations as levelled in the FIR against the petitioner are false and concocted. Even from the FIR it would transpire that the main allegation of assault is not against the petitioner but against co-accused Tipu Kumar Chaudhary. There has been case/litigation between the parties, with the aunt of the petitioner having lodged Hathauri P.S. Case no. 29 of 2020 on 28.6.2020. The petitioner is in custody since 24.9.2020, investigation in the case has concluded and he has no criminal antecedent.

The application for bail is opposed by learned Additional Public Prosecutor for the State and learned counsel for the informant. It is submitted by learned counsel for the informant that besides the petitioner being named in the FIR, there is direct allegation against him of having assaulted with *tangari*. It is further submitted that it was common intention of all the accused persons including the petitioner herein which led to the brutal murder of son of the informant. It is not a case for grant of bail.



Having heard learned counsel for the parties and taking into consideration the submissions made on behalf of the petitioner, the main allegation being against Tipu Kumar Chaudhary and investigation in the case having concluded, the Court is inclined to enlarge the petitioner on bail. The petitioner is directed to be enlarged on bail in connection with Hathauri P.S. Case no. 90 of 2020 on furnishing bail bond of Rs.10,000/ (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate 1st Class, Samastipur.

(Partha Sarthy, J)

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