

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56808 of 2021

Arising Out of PS. Case No.-68 Year-2021 Thana- MORKAHI District- Khagaria

1. ANIL CHAUDHARY SON OF BHUTO CHAUDHARY RESIDENT OF VILLAGE - RASONK, P.S- MORKAHI, DIST- KHAGARIA
2. SANJIT CHAUDHARY SON OF BAHADUR CHAUDHARY RESIDENT OF VILLAGE - RASONK, P.S- MORKAHI, DIST- KHAGARIA
3. DHARMENDRA CHAUDHARY SON OF LATE MAHABIR CHAUDHARY RESIDENT OF VILLAGE - RASONK, P.S- MORKAHI, DIST- KHAGARIA

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ram Sumiran Rai
For the Opposite Party/s : Mr.Syed Ehteshamuddin

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

4 24-02-2022 Heard learned counsel for the petitioners and the State.

Petitioners seek regular bail in a case registered for the offence punishable under Section 302/34 of the Indian Penal Code.

As per the prosecution case, petitioner No.1 is alleged to have assaulted the deceased with Lathi on different parts of his body, including the head. Petitioners No.2 and 3 are alleged to have caught hold of the deceased and pulled him down on the ground.

Learned counsel appearing for the petitioners submits that petitioners are innocent and have falsely been implicated in



the case. There is general and omnibus allegation against these petitioners. Petitioners claim clean antecedent and petitioner No.1 is in custody since 04.06.2021, petitioner No.2 is in custody since 03.06.2021 and petitioner No.3 is in custody since 08.06.2021 and investigation in this case is complete.

Learned counsel appearing for the State opposes the prayer for bail.

Considering the fact that there is specific and direct allegation against petitioner No.1, Anil Chaudhary, of assaulting the deceased with Lathi, I am not inclined to enlarge the petitioner No.1 on bail. Accordingly, the same is rejected.

However, since no specific over act has been alleged against petitioners No.2 and 3, their prayer for bail is allowed.

Let the petitioners No.2 and 3, 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 Sub divisional Judicial Magistrate, Khagaria in connection with Morkahi PS case No.68/2021.

(Prabhat Kumar Singh, J)

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