

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65828 of 2021

Arising Out of PS. Case No.-361 Year-2021 Thana- BAGHA District- West Champaran

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HARENDRA CHAUDHARY @ HARENDRA PATEL SON OF LATE
ASRAFI PATEL RESIDENT OF VILLAGE- BAITHWALIYA POLICE
STATION - BHAIROGANJ DISTRICT- WEST CHAMPARAN

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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with

CRIMINAL MISCELLANEOUS No. 66812 of 2021

Arising Out of PS. Case No.-361 Year-2021 Thana- BAGHA District- West Champaran

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SANTOSH PATEL @ SANTOSH KUMAR Son of Mahendra Patel Resident
of Village- Baithwaliya, P.S.- Bhairoganj, District- West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

(In CRIMINAL MISCELLANEOUS No. 65828 of 2021)

For the Petitioner/s : Mr. Sachida Nand Rai, Adv.

For the Opposite Party/s : Mr. Nagendra Prasad, APP
Mr. Vijay Kumar Singh no.1, Adv.

(In CRIMINAL MISCELLANEOUS No. 66812 of 2021)

For the Petitioner/s : Mr. Sachida Nand Rai, Adv.

For the Opposite Party/s : Mr. Abhay Kumar Roy, APP

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CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY

ORAL ORDER

2 25-04-2022

Heard learned counsel for the parties.

The petitioners have preferred this application for grant of regular bail in a case registered under section 307 and other sections of the Indian Penal Code to which section 302 of the Indian Penal Code was added subsequently.



As per the prosecution case, the four named accused persons are said to have come variously armed. It is further stated that on the orders of Satya Narayan Patel, Santosh Patel assaulted with a lathi on the head of the father of the informant who died five days later in course of treatment.

It is submitted by learned counsel for the petitioners that the petitioners have been falsely implicated in the case. Accepting the allegations in the F.I.R., the allegation of overt act is only against Santosh Patel and not others. Further even in course of investigation, material has transpired to the effect that assault by Santosh Patel is not the sole cause of death of the deceased. The petitioners are in custody since 14.7.2021 and 24.8.2021 respectively. Chargesheet has been submitted in the case.

The application for bail is opposed by learned A.P.P. for the State and learned counsel for the informant. It is submitted by learned counsel for the informant that besides the allegations in the F.I.R. against Santosh Patel it has also transpired in course of investigation that Harendra Patel also assaulted the father of the informant on his head which is supported from the contents of the post-mortem report.

Having heard learned counsel for the parties and



taking into consideration the direct allegation against Santosh Patel of having assaulted the father of the informant with a lathi which is supported from the contents of the post-mortem report, the Court is not inclined to enlarge the petitioner (Santosh Patel @ Santosh Kumar) on bail and the application is rejected.

Liberty is granted to Santosh Patel to renew his prayer for bail after framing of charge.

Having heard learned counsel for the parties and taking into consideration the materials on record, the allegation of assault on the father of the informant being solely against Santosh Patel and not Harendra Chaudhary @ Harendra Patel, the Court directs the petitioner Harendra Chaudhary @ Harendra Patel to be enlarged on bail in connection with Bagaha Bhairoganj P.S. Case no.361 of 2021 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 Additional Chief Judicial Magistrate 1st, Bagaha, District West Champaran.

(Partha Sarthy, J)

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