

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33842 of 2023

Arising Out of PS. Case No.-33 Year-2023 Thana- KALUAHI District- Madhubani

1. Raudal Chaupal Son Of Late Umesh Chaupal Resident Of Village- Narar Than Tol, Ps - Kaluahi, Dist- Madhubani
2. Rajesh Chaupal @ Rajesh Kumar Chaupal Son Of Bhogendra Chaupal Resident Of Village- Narar Than Tol, Ps - Kaluahi, Dist- Madhubani
3. Indrakant Chaupal @ Narsingh Son Of Anil Chaupal Resident Of Village- Narar Than Tol, Ps - Kaluahi, Dist- Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shailendra Kumar Jha
For the Opposite Party/s : Mr.Awadhesh Kumar Singh

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 27-07-2023 Heard learned counsel for the petitioners and learned
APP for the State.

The petitioners have prayed for regular bail in a case registered for the offence punishable under sections 302, 120B of the Indian Penal Code.

As per FIR, the allegation against the petitioners are that they indiscriminately fired upon the informant's son due to which he sustained gunshot injury and during treatment he died. It is further alleged that petitioner No-1 is one of them who fired upon the informant's son.

Learned counsel for the petitioners submit that the



petitioners are innocent and have committed no offence. They have falsely been implicated in this case. There is no specific allegation of shot firing levelled against the petitioner No-2 and Petitioner No-3 rather they had only caught hold the deceased and the specific allegation of firing upon the son of the informant is against petitioner No-1, namely, Raudal Chaupal. It is further submitted that the petitioners are languishing in judicial custody since 17.03.2023.

Learned APP appearing for the state has opposed the prayer of regular bail and submitted that there is direct allegation of opening fire upon the petitioner No-1, namely, Raudal Chaupal due to which informant's son sustained gunshot injury and died. As per Postmortem Report, which is mentioned at Para 132 of the Case Diary, wherein doctor opined cause of death due to haemorrhage and shock caused by gunshot injury. During investigation, witnesses also supported the prosecution version.

Having heard learned counsel for the parties and considering the facts and circumstances of the case as well as judicial custody, this court is inclined to enlarge the petitioner No. 2, namely, Rajesh Chaupal @ Rajesh Kumar Chaupal and Petitioner No. 3, namely, Indrakant Chaupal @ Narsingh on



bail. The above named petitioners are directed to be released on bail in connection with Kaluahi P.S. Case No. 33 of 2023 on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, Ist Class, Madhubani.

So far as petitioner no.1, namely, Raudal Chaupal is concerned that there is direct allegation against him of assaulting the deceased by means of gun, this court is not inclined to enlarge the petitioner No-1, namely, Raudal Chaupal on bail and, as such, his prayer for bail stands rejected.

The trial Court is directed to expedite the trial and conclude the same at the earliest.

(Sunil Kumar Panwar, J)

Manishkumar/-

U		T	
---	--	---	--

