

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39318 of 2022

Arising Out of PS. Case No.-276 Year-2022 Thana- PHULWARISHARIF District- Patna

OM PRAKASH CHAUDHARY @ OM PRAKASH KUMAR S/o Buddhan
Chaudhary R/o village- Nijampur (Adhapa), Post- Shorampur, P.S.- Janipur
(Phulwarisharif), District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Arvind Kumar Singh

For the Opposite Party/s : Mr.Damodar Prasad Tiwary

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 04-01-2023 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner has prayed for bail in a case registered
for the offence punishable under sections 341, 302, 323, 504,
506, 447/34 of the Indian Penal Code.

As per allegation in the FIR, three accused persons
including the petitioner came to the house of the informant and
started abusing and on protest they assaulted him, his brother
and father as a result of which his father died. It is further
alleged that showing the fear of weapons they threatened him of
dire consequences.

It is submitted by learned counsel for the petitioner
that petitioner has been falsely implicated in this case. It has not



been made clear that who has assaulted to whom and by which means. No external injuries were found on the body of the deceased. General and omnibus allegation has been attributed against the petitioner. In fact, deceased died due to Asphyxia as a result of aspiration of food material in the respiratory tract. Petitioner is in custody since 20.03.2022.

The application for bail is opposed by learned APP for the State.

Having heard learned counsel for the parties and considering the facts and circumstances of the case, this court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rs. ten thousand only) with two sureties of the like amount each to the satisfaction of the learned ACJM IX, Patna in connection with Phulwarisarif (Janipur) P.S. Case No. 276 of 2022.

(Sunil Kumar Panwar, J)

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