

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66849 of 2022

Arising Out of PS. Case No.-605 Year-2020 Thana- SIKARPUR District- West Champaran

1. Kamlesh Chaudhary S/o Late Udit Chaudhary R/o Village- Sherhwa, Dakahawa, P.S.- Shikarpur, Distt- W. Champaran.
2. Dileep Chaudhary S/o Kamlesh Chaudhary R/o Village- Sherhwa, Dakahawa, P.S.- Shikarpur, Distt- W. Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Anant Kumar Mishra, Advocate
For the Opposite Party/s	:	Ms. Nirmala Kumari, APP
For the Informant/s	:	Mr. Sanjeev Kumar Shrivastava, Advocate

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 23-02-2023 Heard learned counsel appearing on behalf of the petitioners and learned APP appearing on behalf of the State.

The petitioners seeks bail in connection with Shikarpur P.S. Case No.605 of 2020 registered for the offence under Sections 448, 341, 323, 324, 325, 307, 379, 504 and 34 of the Indian Penal Code.

Both accused/petitioners are named in the F.I.R., where petitioner no.1 is in custody since 25.07.2022 and petitioner no.2 is in custody since 08.08.2022.

The allegation against the petitioners is to commit the murder of brother-in-law (Bhaisur) of informant alongwith other co-accused persons by making an assault with *lathi*, rod, *farsha*



etc., due to long standing land dispute and also causing bodily injuries to others during the occurrence.

Learned counsel appearing on behalf of the petitioners submitted that there is no overt act attributed to petitioner no.1 during the occurrence, where as maximum allegation against petitioner no.2 is to cause fracture in the hand of husband of informant and also to take away cash of Rs. 5,000/- (Rupees Five Thousand) from his pocket. It is submitted that allegation of fatal assault is available against co-accused Ramesh Chaudhary. It is also pointed out that the injury caused by petitioner no. 2 found simple, latter on, sufficient to suggest that alleged injury was not sufficient to cause death in the ordinary course of nature, as also to gather that petitioner was not under intention to cause death of the husband of the informant. While concluding the argument, it is submitted that petitioner is a man of clean antecedent and moreover, investigation of this case has been completed, for which, charge-sheet has already been submitted, as such, there is no chance of tampering with the evidence.

Learned APP duly assisted by learned counsel appearing on behalf informant, while opposing the prayer for bail submitted that both petitioners actively participated in the



occurrence.

In view of the facts and circumstances as mentioned above and by taking note of the nature of allegations and also of injuries caused by petitioner no.2, which not appears to cause death in ordinary course of nature coupled with the fact that charge-sheet has already been submitted, let above named petitioner is directed to be released on bail in connection with Shikarpur P.S. Case No.605 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 Chief Judicial Magistrate, Bettiah, West Champaran/concerned court, subject to the conditions as mentioned under Section 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J.)

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