

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.48336 of 2014

Arising Out of PS.Case No. -165 Year- 2014 Thana -JAGDIHSPUR District- BHOJPUR

- =====
1. Ranju Devi W/o Jai Mangal Choudhary @ Jaimangal Chaudhary
 2. Jai Mangal Choudhary @ Jaimangal Chaudhary S/o Late Shyam Bihari Chaudhary @ Late Shyam Bihari Choudhary Both R/o Village Parasia, P.S. Jagdishpur and District Bhojpur.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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with

Criminal Miscellaneous No.49109 of 2014

Arising Out of PS.Case No. -165 Year- 2014 Thana -JAGDIHSPUR District- BHOJPUR

- =====
1. Arun Chaudhary Son of Sahajanand Chaudhary Resident of Vuillage - Parasiya, P.S. Jagdishpur, District - Bhojpur

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR SRIVASTAVA
ORAL ORDER

4 01-05-2015 Both petitions arise out of Jagdishpur P.S. Case No. 165 of 2014 registered under Sections- 302, 201, 120(B), 379 of the Indian Penal Code and accordingly, both the above-said petitions are being heard and disposed off by this common order.

Heard learned counsel for the petitioners and learned Additional Public Prosecutor for the State as also heard learned counsel, appearing for the informant.

Petitioners and several others are named in the first



information report but admittedly, the informant is not an eye witness of the alleged occurrence. In course of investigation, the petitioner No. 1 in Cr. Misc. No. 48336 of 2014 was arrested and made her confessional statement, which has been incorporated by the I.O. at paragraph-38 of the case diary. In the said confessional statement, the petitioner No. 1 has, specifically, stated that the deceased and accused, Chinku Kumari were in illicit relation and the deceased was forced to solemnize his marriage with Chinki Kumari and on the alleged date of occurrence, the deceased was invited at the house of Chinki Kumari and FIR named accused as well as several other accused forced the deceased to put vermilion on the forehead of said Chinki Kumari and in that course, the deceased made protest but he was assaulted by the villagers and it is specifically, stated that the son of one, Ram Kumar Choudhary assaulted the deceased with Fatta. Later on, the deceased died and his dead body was thrown near a bush. The dead body of the deceased was recovered from an orchard.

Learned counsel, appearing for the informant submits that the petitioner in Cr. Misc. No. 49109 of 2014 gave threatening to the prosecution witnesses in course of trial.

Admittedly, petitioner Nos. 1 and 2 in Cr. Misc. No. 48336 of 2014 are Mausaa and Mausii of said Chinki Kumari and so

far as the petitioner in Cr. Misc. No. 49109 of 2014 is concerned; he happens to be co-villager of the said Chinki Kumari.

Admittedly, not a single prosecution witness claimed to have seen the actual killing of the deceased and the entire case hinges upon circumstantial evidence. Furthermore, even if, the confessional statement of the petitioner No. 1 in Cr. Misc. No. 48336 of 2014 is assumed to be true; then also, the omnibus allegation of assault has been levelled against co-villagers except the son of Ram Kumar Choudhary.

Considering the aforesaid facts and circumstances as well as submission of the parties, let the petitioners named above, be released on bail on furnishing bail bond of Rs 10,000/- (ten thousand) each with two sureties of the like amount each in connection with Jagdishpur P.S. Case No. 165 of 2014 to the satisfaction of Sri A. K. Manjhi, Judicial Magistrate-Ist Class/Chief Judicial Magistrate/concerned court, Bhojpur at Ara.

(Hemant Kumar Srivastava, J)

A.K.V./-

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