

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.43896 of 2014

Arising Out of PS.Case No. -40 Year- 2014 Thana -PIRO District- BHOJPUR

1. Deo Murat Choudhary Son of Late Mathura Choudhary, Resident of Village - Mothibal, P.S. - Piro, Distt. - Bhojpur (Arrah)
2. Nanhu Choudhary @ Ramdeo Choudhary Son of Late Mathura Choudhary Resident of Village - Mothibal, P.S. - Piro, Distt. - Bhojpur (Arrah).

.... Petitioners

Versus

1. The State of Bihar

.... Opposite Party

with

Criminal Miscellaneous No.40684 of 2014

Arising Out of PS.Case No. -40 Year- 2014 Thana -PIRO District- BHOJPUR

1. Gaurishankar Chaudhary Son of Late Teju Chaudhary Resident of Village Mothi Bal, P.S. Piro , District- Bhojpur

.... Petitioners

Versus

1. The State of Bihar

.... Opposite Party

with

Criminal Miscellaneous No.36365 of 2014

Arising Out of PS.Case No. -40 Year- 2014 Thana -PIRO District- BHOJPUR

1. Hari Choudhary S/o Late Ra. Sakal Choudhary Resident of Village Mothi Ball, P.S. Piro, District Bhojpur.

.... Petitioner

Versus

1. The State of Bihar

.... Opposite Party

Appearance :

(In Cr.Misc. No.43896 of 2014)

For the Petitioners : Mr. Manoj Kumar Singh

For the Opposite Party : Mr. Nand Kumar(App)

(In Cr.Misc. No.40684 of 2014)

For the Petitioner : Mr. Ravindra Kumar

For the Opposite Party : Mr. Jitendra Kumar Singh 1 (App)

(In Cr.Misc. No.36365 of 2014)

For the Petitioner : Mr. Prabhat Kumar Singh

For the Opposite Party : Mr. Jitendra Kr.Singh(App)

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 05-02-2015

Petitioners are languishing in custody since 05.05.2014, 02.07.2014 in a case registered for the offences punishable under Sections 302/34 of the I.P.C and Section 27 of the Arms Act.

It is alleged that informant and her husband woke up on the sound of dog barking and saw petitioner Gaurishankar Chaudhary and Lal Babu climbing on the roof with the help of bamboo when Hari Chaudhary, Nandu Chaudhary, Lalan Chaudhary, Manoj Chaudhary were standing near the house. When the husband of the informant enquired then Hari Chaudhary conveyed the informant that as informant identified them so he needs to be killed thereupon Gaurishankar fired on the husband of the informant causing injury on the abdomen. Subsequently husband of the informant succumbed to the injuries.

It is submitted by learned senior counsel appearing on behalf of Hari Chaudhary, Deo Murat Chaudhary and Nanhu Chaudhary that accusation of firing is not against them, whereas it is submitted by learned counsel appearing on behalf of Gaurishankar Chaudhary that though accusation of firing is alleged against this petitioner but this petitioner was on inimical terms with the informant from before. The incidence took place on 12.02.2014 at 11:00 P.M in the night whereas the F.I.R was registered on 13.02.2014 at 12:30 P.M.

Though the fardbeyan was recorded on 13.02.2014 at 8:15 A.M and the distance from the place of occurrence to the police station is 7 KM. Nothing reflects either from the F.I.R or the materials collected during investigation that any source of light was present at the place of occurrence. Moreover other co-accused have been granted bail.

Considering the specific overt act alleged against petitioner Gaurishankar Chaudhary, this Court is not inclined to grant bail to the petitioner Gaurishankar Chaudhary. However, if the trial will not conclude within a period of one year then the petitioner Gaurishankar Chaudhary will be at liberty to renew his prayer for bail.

Accordingly the application with regard to petitioner Gaurishankar Chaudhary is dismissed.

So far as petitioners (1)Deo Murat Chaudhary (2) Nanhu Choudhary @ Ramdeo Choudhary (Cr. Misc. No. 43896 of 2014) and petitioner Hari Choudhary(Cr. Misc. No. 36365 of 2014) are concerned, since there is no overt act alleged against them, let them be released on bail on furnishing bail bond of Rs. 10,000/-(ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Bhojpur at Ara in connection with Piro P.S. Case No. 40 of 2014.

(Dinesh Kumar Singh, J)

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