

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.50281 of 2015

Arising Out of PS.Case No. -88 Year- 2015 Thana -NALANDA District- NALANDA
(BIHARSHARIFF)

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Anil Choudhary, son of Late Arjun Choudhary, resident of Village Jagdishpur, P.S. and District Nalanda.

.... Petitioner.

Versus

The State of Bihar

.... Opposite Party.

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with

Criminal Miscellaneous No.50942 of 2015

Arising Out of PS.Case No. -88 Year- 2015 Thana -NALANDA District- NALANDA
(BIHARSHARIFF)

- =====
1. Ashok Chaudhary, son of Late Dobhi Chaudhary.
 2. Ajay Chaudhary, son of Ashok Chaudhary.
 3. Dilip Chaudhary, son of Suresh Chaudhary.
- Resident of village - Jagdishpur, P.S. Nalanda, District – Nalanda.

.... Petitioners.

Versus

The State of Bihar

.... Opposite Party.

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Appearance :

(In Cr.Misc. No.50281 of 2015)

For the Petitioner : Mr. Pankaj Kumar, Advocate.
For the State : Mr. Ramesh Chandra(APP)
For the Informant : Mr. Anil Chandra, Advocate.

(In Cr.Misc. No.50942 of 2015)

For the Petitioner : Mr. Sudish Kumar, Advocate.
For the State : Mr. Madhuri Lata(APP)
For the Informant : Mr. Anil Chandra, Advocate.

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CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL ORDER

3 10-12-2015 Both the aforesaid applications arise out of same Nalanda
P.S. Case No.88 of 2015 registered under Sections 147, 148, 149,

341, 323, 337, 504 and 302 of the Indian Penal Code. Therefore, both the aforesaid applications have been heard together and are being disposed of by this common order.

The accusation is that on 29.08.2015 at about 08.00 P.M. all the petitioners and one Pramod Choudhary reached at the house of the informant, Sujit Kumar, and started to abuse. When the protest was made, they armed with deadly weapon climbed to his house and started to 'Maar-Peet' using abusive language. In that course, co-accused, Pramod Choudhary, assaulted his father with bricks on his head as a result of his father became seriously injured and fell down on the ground. On 'Hulla' villagers gathered there and took his father to the hospital but he died in course of treatment.

Learned counsel appearing on behalf of the petitioners submits that the petitioners are named in the F.I.R. alongwith co-accused, Pramod Choudhary, against whom there is allegation of assaulting the deceased with bricks, the father of the informant, but no specific overt act has been attributed to the petitioners. In the post-mortem report of the deceased only one stitched wound 2½" in length over right temporal-parietal region was found. The petitioners only grudge with the informant and dirty village politics have falsely been implicated in this case.

Having considered the facts and the circumstances of the case, let the petitioners, above named, in the event of their arrest or surrender within six weeks, be enlarged on bail on their furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the C.J.M., Nalanda, in connection with Nalanda P.S. Case No.88 of 2015, subject to the conditions laid down under Section 438(2) Cr. P.C.

(Rajendra Kumar Mishra, J)

P.S./-

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