

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.9564 of 2015

Arising Out of P. S. Case No. -39 Year- 2012 Thana -AMARPUR District-
BANKA

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Bhopali Choudhary S/o Late Tani Prasad Choudhary Resident of Village
Rampur, P.S. Amarpur, District Banka.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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with

Criminal Miscellaneous No.10913 of 2015

Arising Out of P. S. Case No. -39 Year- 2012 Thana -AMARPUR District-
BANKA

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1. Sadanand Chaudhary
2. Rishideo Chaudhary
Both sons of Late Jyotish Prasad Chaudhary and residents of village-
Rampur, P.S.- Amarpur, District- Banka

.... Petitioners

Versus

The State of Bihar

.... Opposite Party

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CORAM: HONOURABLE MR. JUSTICE AMARESH KUMAR LAL
ORAL ORDER

5 23-06-2015 Both these applications arise out of Amarpur P. S. Case

No. 39 of 2012 for the offence punishable under Sections 328/34

IPC, later on section 302 IPC was added, as such, both these

applications have been heard together and are being disposed of

by this common order.

Heard.

The petitioners seek bail in the aforesaid case.



Allegation against the petitioners is that they took the deceased for taking tea. The deceased took tea at their instance and returned to his house, thereafter, he felt giddiness and told the inmates of his house that the petitioners had served him tea and after taking tea he was feeling giddiness. He was taken to Referral Hospital, Amarpur, thereafter for better treatment he was being taken to Bhagalpur Medical College and Hospital, but in the way he died. The fardbeyan of the informant was recorded at Referral Hospital, Amarpur on 28.2.2012 at 10.20 hours.

It is submitted that petitioner Bhopali Choudhary aged about 70 years is in custody since 17.12.2014. Petitioner Sadanand Chaudhary is also aged about 70 years and Rishideo Chaudhary is aged about 60 years and they are in custody since 23.12.2014. Sadanand Chaudhary and Rishideo Chaudhary have been implicated in this case due to land dispute and Bhopali Choudhary has also been implicated in this case as he used to measure land of the informant. During investigation, some witnesses have told that they have not seen the deceased taking tea with the petitioners and due to land dispute, they have been falsely implicated in this case.

Learned counsel for the State submits that there is specific allegation of overtact against the petitioners. FSL report also shows that poisonous substance was the cause of the death of

the deceased. After investigation, the case has been found true against the petitioners.

Considering the facts and circumstances, in my opinion, the petitioners do not deserve bail at this stage. Their prayer for bail is rejected.

Let the trial be expedited.

(Amaresh Kumar Lal, J)

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