

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.38952 of 2014

Arising Out of PS.Case No. -74 Year- 2014 Thana -NAUTAN District-
WESTCHAMPARAN(BETTIAH)

1. Jagdhar Choudhary Son of Late Mukun Choudhary Resident of Village -
Purndarpur, P.S. - Nautan, District - West Champaran.
2. Gulaichi Devi Wife of Bhola Choudhary Resident of Village -
Purndarpur, P.S. - Nautan, District - West Champaran.

..... Petitioner/s

Versus

1. The State of Bihar

..... Opposite Party/s

with

Criminal Miscellaneous No.40775 of 2014

Arising Out of PS.Case No. -74 Year- 2014 Thana -NAUTAN District-
WESTCHAMPARAN(BETTIAH)

1. Bhola Choudhary son of Jagdhar Choudhary Resident of Village-
Purndarpur, P.S. Nautan, District- West Champaran

..... Petitioner/s

Versus

1. The State of Bihar

..... Opposite Party/s

Appearance :

(In Cr.Misc. No.38952 of 2014)

For the Petitioner/s : Mr. Mukesh Kumar

For the Opposite Party/s : Mr. H.A.Khan(App)

(In Cr.Misc. No.40775 of 2014)

For the Petitioner/s : Mr. Mukesh Kumar

For the Opposite Party/s : Mr. Ram Sewak Choudhary(App)

CORAM: HONOURABLE MR. JUSTICE MUNGESHWAR
SAHOO

ORAL ORDER

2 27-03-2015 Heard the learned counsel for the petitioners (1) Jagdhar
Choudhary (2) Gulaichi Devi petitioners in Cr. Misc. No.38952 of
2014 and Bhola Choudhary, petitioner for Cr. Misc. No.40775 of

2014 who apprehends their arrest in Nautan P.S. Case No.74 of 2014 under Sections 341, 323, 427, 307, 379, 504/34 and 302 of the Indian Penal Code.

According to the prosecution case, the FIR was lodged on the ferdbeyan on Gudiya Devi to the effect that the petitioners assaulted the informant by legs, fists, fat and fathas. According to the informant, she was pregnant.

The learned counsel for the petitioner submitted that in fact the occurrence took place on 23rd of March, 2014 and not on 25th March, 2014 as has been stated in the FIR. The learned counsel further submitted that on the date, when the occurrence took place on 25th March, 2014, the petitioner No.2 was hospitalized and her statement made recorded by the S.I. There is no allegation of assault against the petitioner No.2 of Cr. Misc. No.38952 of 2014. The learned counsel further submitted that the informant party first assaulted the petitioner and, therefore, the petitioners have been falsely implicated in the case.

Heard the learned A.P.P. also who objected the prayer for anticipatory bail.

Admittedly, the informant, Gudiya Devi, died on 08.04.2014. Because of the assault caused by heart and blood object. It further appears that the allegation against the petitioner

No.2, Gulaichi Devi is concerned, Gulaichi Devi had snatched the ornaments from the nose of the informant.

In view of the above facts and circumstances of the case, I direct the petitioners No.(2) Gulaichi Devi to surrender before the Court below within one month from today and on her so surrendering, she shall be released on bail on furnishing bail bond of Rs.10,000/- with two sureties of the like amount each to the satisfaction of the C.J.M., Bettiah, West Champaran in connection with Nautan P.S. Case No.74 of 2014.

So far the other two petitioners, namely, Jagdhar Choudhary of Cr. Misc. No.38952 of 2014 and Bhola Choudhary, petitioner of Cr. Misc. No.40775 of 2014 are hereby rejected.

(Mungeshwar Sahoo, J)

Sanjeev/-

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