

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.1295 of 2016

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1. Mantus Choudhary, son of Dularchand Choudhary
2. Bagrah Choudhary, son of Devendra Choudhary Both residents of village
Nerthua, P.S. Kako, District Jehanabad Petitioners

Versus

The State of Bihar Opposite Party

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with
Criminal Miscellaneous No.2421 of 2016

Arising Out of PS.Case No. -146 Year- 2015 Thana -KAKO District- JEHANABAD

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Ravindra Choudhary, son of Kamlesh Choudhary, resident of Village
Nerthua, P.S. Kako, District Jehanabad. Petitioner

Versus

The State of Bihar Opposite Party

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Appearance :
(In Cr.Misc. No.1295 of 2016)

For the Petitioner/s : Mr. Ramakant Sharma, Sr. Advocate
Mr. Rajesh Kumar, Advocate

For the Informant : Mr. Ramakant Yadav, Advocate

For the Opposite Party/s : Mr. Ram Anurag Singh, A.P.P.

(In Cr.Misc. No.2421 of 2016)

For the Petitioner/s : Mr. Ramakant Sharma, Sr. Advocate
Mr. Rajesh Kumar, Advocate

For the Informant : Mr. Ramakant Yadav, Advocate

For the Opposite Party/s : Mr. Ram Anurag Singh, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR
MISHRA
ORAL ORDER

3 19-02-2016 Both the Criminal Miscellaneous Applications are of the

same occurrence and, as such, have been heard together and are

being disposed of by this common order.

Heard learned Senior Counsel for the petitioners,

learned Senior Counsel for the informant and the learned A.P.P.

for the State.

The petitioners are accused in connection with Kako

(Bhelawar) P.S. Case No. 146 of 2015 registered under Sections 341,323, 307 and 506/34 of the Indian Penal Code. Later on Section 302 of the Indian Penal Code has been added.

The allegation of the informant, Radhey Yadav is that on 28.09.2015 at about 2 P.M., while his father Sidheswar Yadav was ploughing the field when at that time the accused persons reached there armed with lathi, stick and pistol and started to abuse and caused assault to him due to which he sustained injuries in the body and he was unconscious.

Learned counsel appearing on behalf of the petitioners submits that written report was given on 29.07.2015 and accordingly, First Information Report was lodged vide Kako P.S. Case No. 146 of 2015 which has been instituted on 29.09.2015 but due to ulterior motive 29 has been made as 28 by way of manipulation by overwriting in beneath the signature of the informant and also in forwarding portion by S.H.O., Bhelawar to S.H.O., Kako. In fact, the deceased Sidheswar Yadav reached near the house of the petitioner to grab the land where on some scuffle took place. The deceased was apprehended and handed over to the Chowkidar with the pistol, who lodged the written report in this regard on 28.09.2015 and deceased handed over to Officer-in-charge, Nerthua at that time on which basis Kako P.S.

Case No. 143 of 2015 was instituted on 28.09.2015 and perhaps the deceased died after arrest. There is no description in the First Information Report about sustaining the injury by the deceased at the relevant time, perhaps later on deceased was mishandled by the Police and he died in Police custody. Further submission is that the petitioner no. 1, namely, Mantus Choudhary is in custody since 30.09.2015 and petitioner no. 2, namely, Bagrah Choudhary is in custody since 27.10.2015 of Criminal Miscellaneous No 1295 of 2016 and petitioner of Criminal Miscellaneous No 2421 of 2016 is in custody since 30.09.2015.

Having regard to the facts and the circumstances of the case, the petitioners above named, are directed to be released on bail on furnishing bail bonds of Rs.10,000/-(Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate Jehanabad in connection with Kako (Bhelawar) P.S. Case No. 146 of 2015. Out of two sureties, one surety must be the close relative of the petitioners.

(Rajendra Kumar Mishra, J)

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