

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.5803 of 2016

Arising Out of PS.Case No. -55 Year- 2015 Thana -PHENHARA District-
EASTCHAMPARAN(MOTIHARI)

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1. Mahendra Chaudhary S/o Rameshwar Chaudhary
2. Sharda Devi W/o Mahendra Chaudhary
Both r/o village Fenhara P.S. Dist. East Champaran

.... Petitioners

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dhannjay Kumar No 2
For the Opposite Party/s : Mr. Ram Anurag Singh(App)

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

2 17-02-2016 Heard learned counsel for the petitioners and
learned A.P.P. representing the State.

The petitioners seek bail in connection with Fenhara P.S. Case No. 55 of 2015 registered for the offence punishable under Section 302/34 of the Indian Penal Code.

Allegedly, the petitioner no.1 instigated to kill Arun Chaudhary the son of the informant and then Sudesh Chaudhary started assaulting Arun Chaudhary with axe on his head and when he fell down then also assaulted on his chest abdomen and neck causing his death.

Submission is of false implication and the petitioners are father and mother of that Sudesh Chaudhary, the petitioners were not even present at the place of occurrence but they have been implicated and the petitioner no.1 is said to be an order giver,

in this case Ranjit Chaudhary and Aman Chaudhary have already allowed pre-arrest bail by another co-ordinate Bench of this Court vide Criminal Misc. No. 54806 of 2015 and as such the petitioners who are suffering in custody since 1.10.2015 deserve sympathetic consideration.

Learned A.P.P. fairly submits that Sudesh Chaudhary is the assailant.

In the facts and circumstances stated above, petitioners are directed to be released on bail on execution of bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of Judicial Magistrate, Sadar, Motihari, East Champaran, in connection with Fenhara P.S. Case No. 55 of 2015, subject to the conditions that one of the bailors must be near relative and another having sufficient immovable property within the territorial jurisdiction of the court concerned and the petitioners shall remain present on each and every date during trial and the default on two consecutive dates on their part without any reason shall disentitle the petitioners from privilege of bail.

(Jitendra Mohan Sharma, J)

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