

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.42580 of 2016

Arising Out of PS.Case No. -390 Year- 2015 Thana -BIHTA District- PATNA

- =====
1. Guddu Choudhary son of Ram Balak Choudhary resident of village Jarregna P.S. Bihta District Patna.
 2. Shailesh Choudhary son of Kailash Choudhary resident of village Bahechhahariya P.S. Bihta District Patna.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sucheta Yadav

For the Opposite Party/s : Mr. Sri Mukeshwar Dayal

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA
ORAL ORDER

4 22-11-2016

Heard both sides.

The petitioners apprehend their arrest in Bihta P.S. Case No. 390/2015, registered for the offences punishable under Section 302 and other Sections of the Indian Penal Code.

The informant, son of the deceased, alleged that his mother Dukhani Devi and grand maternal mother Hasni Devi were going to Utwa Doghra on an auto. At about 12.00, Gita Chaudhary and twenty others including the petitioners surrounded the auto-rickshaw and assaulted the mother of the informant. They dragged the mother of the informant near the house of the informant and again assaulted. The mother of the informant died on the spot.

Learned counsel for the petitioners submits that the

mother of the deceased alleged that the men of the petitioners assaulted the mother of the informant with different weapons but she did not name the petitioner as assailants of the deceased. During course of the investigation none of the witness has come forward to support the prosecution case. Similarly situated co-accused, namely Gita Chaudhary and two others have been granted regular bail vide order dated 04.11.2015 passed in Cr. Misc. No. 42266/2015.

On the other hand, learned Additional P.P. opposed the prayer for anticipatory bail.

From perusal of the FIR and the case diary it appears that the informant, son of the deceased, is also an eye-witness of the occurrence and the occurrence took place in front of his house. The informant made specific allegation that the petitioners and others on the order of Gita Chaudhary because Dukhani Devi had killed her son, assaulted Dukhani Devi. Dukhani Devi died on the spot. The post-mortem report reveals different injuries on the body of deceased Dukhani Devi. Petitioners are also one of the assailants of the deceased.

Considering the facts aforesaid, I am not inclined to enlarge the petitioners above named on anticipatory bail. Accordingly, the same is rejected.

(Prabhat Kumar Jha, J.)

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