

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.39324 of 2015

Arising Out of PS.Case No. -35 Year- 2015 Thana -SARE District- NALANDA (BIHARSHARIFF)

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1. Shiv Balak Choudhary, son of Late Chandra Choudhary
 2. Shiv Shankar Kumar Choudhary @ Shiv Shankar Choudhary, son of Shiv Balak Choudhary Both Resident of Village- Khetalpura, P.S.- Saraey, District- Nalanda.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Md.Imteyaz Ahmad

For the Opposite Party/s : Mr. Yogendra Kumar Singh (App)

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA

ORAL ORDER

7 23-02-2016

Heard the learned counsel for the petitioners, the learned A.P.P for the State as also the learned counsel for the Informant.

The petitioners seek bail in a case for the offences punishable under sections 147, 148, 149, 323, 341, 342, 324, 325, 326, 307 and 302 of the I.P.C

Allegedly, the petitioners and other FIR named accused persons being armed with *Khanti*, *Spade*, *Sickle* and *Knife* came and surrounded the father of the informant and started cutting him and when the informant went there he was also assaulted by cutting and further Babita Kumari was assaulted and her hand was fractured. The father of the informant succumbed to the injuries. The motive behind the occurrence is alleged that fifteen years ago the informant performed love marriage with

Pramila Devi, the daughter of petitioner Shiv Balak Choudhary.

Submission is of false implication and that there is no specific allegation against the petitioners, as a matter of fact the prosecution parties were the aggressor who brutally assaulted petitioner no.1 and his daughter Rekha Kumari, Sarey P.S. Case Nos. 20 of 2007 and 33 of 2015 are going on against the prosecution party, the petitioner no.1 is an old man and the petitioners are suffering in custody since 15.05.2015.

The learned A.P.P. duly assisted by the learned counsel for the informant opposes prayer for bail by submitting that during investigation it has come that Shiv Shankar Choudhary took out the intestine of the deceased by sickle and the petitioner Shiv Balak Choudhary has been convicted earlier under section 302 of the I.P.C. vide Sessions Trial No. 341 of 2006 and he has been sentenced for life.

In the facts and circumstances as stated above, considering the allegation attributed against the petitioners, serious in nature, this Court is not inclined to enlarge the petitioners on bail and accordingly their such prayer stands rejected in connection with Sarey P.S. Case No. 35 of 2015 pending in the court of C.J.M. Nalanda at Bihar Sharif.

Abhay/-

(Jitendra Mohan Sharma, J)

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