

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.48659 of 2015

Arising Out of PS.Case No. -237 Year- 2015 Thana -DUMRAUN District- BUXAR

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1. Laxman Chaudhary, son of Late Satya Narayan Chaudhary, R/o Village-Dharam Rai Ki Gali, Matahiya Neem Tola, Dumaraon, P.S.- Dumaraon, District- Buxar.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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with

Criminal Miscellaneous No.50563 of 2015

Arising Out of PS.Case No. -237 Year- 2015 Thana -DUMRAUN District- BUXAR

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1. Birendra Chaudhary @ Virendra Chaudhory
2. Surendra Chaudhary @ Surendra Chaudhory both are s/o Bhola Chaudhary
3. Bhola Chaudhary @ Bhola Chaudhory S/o Late Bhabhuti Chaudhary, All are R/V Dharm Rai Ki Gali Mataiya Nim Dumraon, P.S. Dumraon, Distt. Buxar.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

(In Cr.Misc. No.48659 of 2015)

For the Petitioner/s : Mr. Sachchida Nand Singh

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

(In Cr.Misc. No.50563 of 2015)

For the Petitioner/s : Mr. Arvind Kumar Pradhan

For the Opposite Party/s : Mr. A.M.P.Mehta(App)

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA

ORAL ORDER

4 28-01-2016

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 counsel for the petitioners and the

learned A.P.P. representing the State as also the learned counsel for the informant.

Petitioners seek bail in connection with Dumraon P.S. Case No. 237 of 2015 registered for the offences punishable under Sections 302, 447, 341, 324, 323/34 of the Indian Penal Code.

The dead body of Radha Chaudhory was found near cattle shade of Bhola Chaudhory and it is alleged that petitioners occupied certain land of the deceased and has threatened the deceased of dire consequences and further it is claimed that the petitioners have killed the deceased.

Submission is of false implication and that the informant is not the eye-witness, during investigation no one has claimed to see the petitioners committing the crime, only on suspicion the petitioners have been named. The petitioner Bhola Chaudhary has also lodged Dumraon P.S. No. 236 of 2015 as he was stabbed by Radha Chaudhary who later on was found dead, from the written report of this case also in earlier paragraphs it is mentioned that Radha Chaudhary stabbed the petitioner Bhola Chaudhary and, as such, the petitioners who are suffering in custody deserves sympathetic consideration to which the learned A.P.P. duly assisted by learned counsel for the informant opposes by submitting that from F.I.R. of Dumraon P.S. Case No. 236 of

2015 it is manifest that altercation has taken place between the deceased and the petitioners and to save the skin from murder case, after manufacturing injury, the petitioner Bhola Chaudhary got admitted him for treatment and lodged the case and there was strong motive to commit the murder.

In the facts and circumstances stated above, considering that this is a case of circumstantial evidence, no one has seen the petitioners committing the crime and, as such considering the detention of the petitioners, now they 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 the Learned C.J.M., Buxar arising out of Dumraon P.S. Case No. 237 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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