

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.50347 of 2017

Arising Out of PS.Case No. -49 Year- 2017 Thana -ANDER District- SIWAN

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1. Bhoj Yadav @ Bhoj Chaudhary
 2. Gorakh Chaudhary, Both are sons of Kuer Chaudhary, resident of village – Babu Ke Bhatkan, Narendrapur, P.S.-Andar, District-Siwan.

.... Petitioners

Versus

The State of Bihar

.... Opposite Party/s

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Appearance:

For the Petitioner/s : Mr. Vijay Kumar Singh, Advocate.

For the Opposite Party/s : Mr. Pranav Kumar, APP.

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CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA JAISWAL

ORAL ORDER

2 18-10-2017 Heard learned counsel for the petitioners and learned APP for the State.

The petitioners seek bail in Andar P.S. Case No. 49 of 2017 registered under Sections 341, 323, 324, 307 and 506/34 of the Indian Penal Code.

The petitioners are said to have assaulted the nephew of the informant, namely, Birendra Yadav by means of lathi while co-accused Dharmendra Yadav assaulted him by means of knife over previous animosity.



It is submitted by learned counsel for the petitioners that no occurrence as alleged ever took place. As a matter of fact, the petitioners have been enlarged on bail in appeal filed by them against conviction in the case filed by the informant. In order to get their bail bonds cancelled, the informant has filed this false and frivolous case against them. The allegation levelled against the petitioners is not specific rather omnibus. The occurrence is said to be of 19.03.2017 at around 07:30 AM, but F.I.R. has been lodged after 27 hours on 20.03.07 at 10:30 AM and the said F.I.R. was sent to the Court after abnormal delay of around 13 days on 03.05.2017 which creates serious doubt about the prosecution case. The petitioners have been languishing in custody since 21.08.2017.

On the other hand, learned counsel for the informant submitted that the petitioners had earlier committed murder of the father of the victim and now after release on bail in the said case, he had made attempt to eliminate the victim as well. So they do not deserve bail.

Considering the facts aforesaid, the above named petitioners are directed to be enlarged on bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Additional



Chief Judicial Magistrate-IX, Siwan in connection with Andar
P.S. Case No. 49 of 2017.

(Prakash Chandra Jaiswal, J)

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