

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.735 of 2016

Arising Out of PS.Case No. -65 Year- 2016 Thana -BALIA District- BEGUSARAI

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DEVENDRA CHOUDHARY SON OF RAMADHIN CHOUDHARY
RESIDENT OF VILLAGE- MASUDANPUR, P.S.- BALIA, DISTRICT-
BEGUSARAI.

.... APPELLANT/S

VERSUS

THE STATE OF BIHAR

.... RESPONDENT/S.

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Appearance:

For the Appellant/s : Mr. Ravi Ranjan, Adv.

For the Informant : Mr. Pritish Kumar Lal, Adv.

For the State : Smt. Usha Kumari No.1, Spl.P.P.

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CORAM: HONOURABLE MR. JUSTICE ADITYA KUMAR TRIVEDI
ORAL ORDER

7 22-02-2017 Heard learned counsel for the appellant as well as
learned counsel for the informant along with learned Special Public
Prosecutor.

Informant who happens to be *Bhabhi* of both the
deceased while was present at the flour mill of Rakesh Chaudhary had
seen that Mahesh Ram and Ram Prawesh Ram were coming over
motorcycle from Balia bazaar who were intercepted by so many
persons including the appellant and then all of them dragged Mahesh
as well as Ram Pravesh and then Surendra, Himmat Chaudhary,
Jitendra Chaudhary, Chhote Chaudhary made indiscriminate firing
causing instantaneous death so many villagers hearing sound of firing
arrived who have had witnessed the occurrence.

From perusal of the case diary, it is evident that witness
Sarita Devi (Para-19) and Parwati Devi (Para-20) have stated in
identifying all the culprit in omnibus way to be assailant of both the
deceased while other witnesses have stated identifying those whose
name figured in the written report to be the assailant of both the
deceased.



Consequent thereupon, setting aside the order dated 25.05.2016 passed by the learned lower court relating to Balia P.S. Case No.65/2016, appellant Devendra Choudhary is directed to be released on bail on furnishing bail bonds of Rs.10,000/-(ten thousand) with two sureties of the like amount each, to the satisfaction of learned Special Judge, SC/ST, Begusarai in connection with Balia P.S. Case No.65/2016. Consequent thereupon, appeal is allowed.

(Aditya Kumar Trivedi, J.)

Prakash Narayan

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